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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 15—Hospital Program

EMERGENCY AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.
The division is amending subsection (3)(B).

PURPOSE: *This amendment provides for the State Fiscal Year (SFY) 2017 trend factor to be applied in determining Federal Reimbursement Allowance (FRA) funded hospital payments for SFY 2017.*

EMERGENCY STATEMENT: *The Department of Social Services, MO HealthNet Division (MHD) finds that this emergency amendment is necessary to preserve a compelling governmental interest of collecting state revenue in order to provide health care to individuals eligible for the MO HealthNet program and for the uninsured. An early effective date is required because this emergency amendment establishes the Federal Reimbursement Allowance (FRA) funded hospital payments for dates of service beginning July 1, 2016 in regulation to ensure that quality health care continues to be provided to MO HealthNet participants and indigent patients at hospitals that have relied on MO HealthNet payments to meet those patients' needs. In order to determine the trends for State Fiscal Year (SFY) 2017, all relevant information from the necessary sources must be available to*

MHD. The division uses the best information available when it starts calculating the payments so it uses the trend published in the First Quarter Healthcare Cost Review publication which is generally not available until May. The division must also analyze hospital data, which is not complete until near the end of the state fiscal year, in conjunction with the trend and funding to determine the appropriate level of payments. Without this information, the trends cannot be determined; therefore, due to timing of the receipt of this information and the necessary July 1, 2016 effective date, an emergency regulation is necessary. As a result, the MHD finds an immediate danger to public health and welfare which requires emergency actions. If this emergency amendment is not enacted, there would be significant cash flow shortages causing a financial strain on Missouri hospitals which serve over nine hundred seventy-nine thousand (979,000) MO HealthNet participants plus the uninsured. This financial strain, in turn, will result in an adverse impact on the health and welfare of MO HealthNet participants and uninsured individuals in need of medical treatment. A proposed amendment, which covers the same material, will be published in the Missouri Register. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MHD believes this emergency amendment to be fair to all interested persons and parties under the circumstances. The emergency amendment was filed June 20, 2016, becomes effective July 1, 2016, and expires December 27, 2016.

(3) Per Diem Reimbursement Rate Computation. Each hospital shall receive a MO HealthNet per diem rate based on the following computation:

(B) Trend Indices (TI). Trend indices are determined based on the four- (4-) quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill, or equivalent publication, regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY). Trend indices starting in SFY 2016 will be determined based on the Hospital Market Basket index as published in *Healthcare Cost Review* by Institute of Health Systems (IHS), or equivalent publication, regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY).

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%
- G. SFY 2000—4.0%
- H. SFY 2001—4.6%
- I. SFY 2002—4.8%
- J. SFY 2003—5.0%
- K. SFY 2004—6.2%
- L. SFY 2005—6.7%
- M. SFY 2006—5.7%
- N. SFY 2007—5.9%
- O. SFY 2008—5.5%
- P. SFY 2009—5.5%
- Q. SFY 2010—3.9%
- R. SFY 2011—3.2%—The 3.2% trend shall not be applied in

determining the per diem rate, Direct Medicaid payments, or uninsured payments.

- S. SFY 2012—4.0%
- T. SFY 2013—4.4%
- U. SFY 2014—3.7%

V. SFY 2015—4.3%

W. SFY 2016—2.5%

X. SFY 2017—2.7%

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per diem rate and for SFY 1999 the OC of the June 30, 1998, rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999, rate shall be trended by 2.4%. The OC of the June 30, 2000, rate shall be trended by 1.95% for SFY 2001.

3. The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid payments computed in accordance with subsection (15)(B).

4. A facility previously enrolled for participation in the MO HealthNet Program, which either voluntarily or involuntarily terminates its participation in the MO HealthNet Program and which reenters the MO HealthNet Program, will receive the same inpatient rate and outpatient rate as the previous owner/operator. Such facility will also receive the same Direct Medicaid Add-On Payment and Uninsured Add-On Payment as the previous owner/operator if the facility reenters the MO HealthNet Program during the same state fiscal year. If the facility does not reenter during the same state fiscal year, the Direct Medicaid Add-On Payment and Uninsured Add-On Payment will be determined based on the applicable base year data (i.e., fourth prior year cost report for the Direct Medicaid Payment; see 13 CSR 70-15.220 for the applicable data for the Uninsured Add-On Payment). If the facility does not have the applicable base year data, the Direct Medicaid Add-On Payment and the Uninsured Add-On Payment will be based on the most recent audited data available and will include annual trend factor adjustments from the year subsequent to the cost report period through the state fiscal year for which the payments are being determined.

AUTHORITY: sections 208.153 and 208.201, RSMo Supp. 2013, and section 208.152, RSMo Supp. [2014] 2015. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 20, 2016, effective July 1, 2016, expires Dec. 27, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 15—Hospital Program

EMERGENCY AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is amending subsection (1)(A).

PURPOSE: This amendment provides for the State Fiscal Year (SFY) 2017 trend factor to be applied to the inpatient and outpatient adjusted net revenues determined from the Federal Reimbursement Allowance (FRA) fiscal year cost report to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division (MHD) finds that this emergency amendment is necessary to preserve a compelling governmental interest of collecting state revenue in order to provide health care to individuals eligible for the MO HealthNet program and for the uninsured. An early effective date is required because the emergency amendment is necessary to establish the Federal Reimbursement Allowance (FRA) assessment rate effective for dates of service beginning July 1, 2016 in regulation in order to collect the state revenue to ensure access to hospital services for MO HealthNet participants and indigent patients at hospitals that have relied on MO HealthNet payments to

*meet those patients' needs. The Missouri Partnership Plan between the Centers for Medicare and Medicaid Services (CMS) and the Missouri Department of Social Services (DSS), which establishes a process whereby CMS and DSS determine the permissibility of the funding source used by Missouri to fund its share of the MO HealthNet program, is based on a state fiscal year. In order to determine the trends for State Fiscal Year (SFY) 2017, all relevant information from the necessary sources must be available to MHD. The division uses the best information available when it starts calculating the assessment so it uses the trend published in the **Fourth Quarter Healthcare Cost Review** publication which is generally not available until February. The division must also analyze hospital revenue data, which is not complete until near the end of the state fiscal year, in conjunction with the trend and hospital FRA funded payments to determine the appropriate level of assessment. Without this information, the trends cannot be determined. Therefore, due to timing of the receipt of this information and the necessary July 1, 2016 effective date, an emergency regulation is necessary. The MHD also finds an immediate danger to public health and welfare which requires emergency actions. If this emergency amendment is not enacted, there would be significant cash flow shortages causing a financial strain on Missouri hospitals which serve over nine hundred seventy-nine thousand (979,000) MO HealthNet participants plus the uninsured. This financial strain, in turn, will result in an adverse impact on the health and welfare of MO HealthNet participants and uninsured individuals in need of medical treatment. The FRA will raise approximately \$1.116 billion for SFY 2017 (July 1, 2016 – June 30, 2017), of which \$22.7 million is attributable to the trend factor that is the subject of this emergency amendment. A proposed amendment, which covers the same material, will be published in the **Missouri Register**.*

This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MHD believes this emergency amendment to be fair to all interested persons and parties under the circumstances. The emergency amendment was filed June 20, 2016, becomes effective July 1, 2016, and expires December 27, 2016.

(1) Federal Reimbursement Allowance (FRA). FRA shall be assessed as described in this section.

(A) Definitions.

1. Bad debts—Amounts considered to be uncollectible from accounts and notes receivable that were created or acquired in providing services. Allowable bad debts include the costs of caring for patients who have insurance, but their insurance does not cover the particular service procedures or treatment rendered.

2. Base cost report—Desk-reviewed Medicare/Medicaid cost report. The Medicare/Medicaid Cost Report version 2552-96 (CMS 2552-96) shall be used for fiscal years ending on or after September 30, 1996. The Medicare/Medicaid Cost Report version 2552-10 (CMS 2552-10) shall be used for fiscal years beginning on and after May 1, 2010. When a hospital has more than one (1) cost report with periods ending in the base year, the cost report covering a full twelve- (12-) month period will be used. If none of the cost reports covers a full twelve (12) months, the cost report with the latest period will be used. If a hospital's base cost report is less than or greater than a twelve- (12-) month period, the data shall be adjusted, based on the number of months reflected in the base cost report, to a twelve- (12-) month period.

3. Charity care—Those charges written off by a hospital based on the hospital's policy to provide health care services free of charge or at a reduced charge because of the indigence or medical indigence of the patient.

4. Contractual allowances—Difference between established rates for covered services and the amount paid by third-party payers under contractual agreements. The Federal Reimbursement Allowance (FRA) is a cost to the hospital, regardless of how the FRA is remitted to the MO HealthNet Division, and shall not be included in contractual

allowances for determining revenues. Any redistributions of MO HealthNet payments by private entities acting at the request of participating health care providers shall not be included in contractual allowances or determining revenues or cost of patient care.

5. Department—Department of Social Services.

6. Director—Director of the Department of Social Services.

7. Division—MO HealthNet Division, Department of Social Services.

8. Engaging in the business of providing inpatient health care—Accepting payment for inpatient services rendered.

9. Federal Reimbursement Allowance (FRA)—The fee assessed to hospitals for the privilege of engaging in the business of providing inpatient health care in Missouri. The FRA is an allowable cost to the hospital.

10. Fiscal period—Twelve- (12-) month reporting period determined by each hospital.

11. Gross hospital service charges—Total charges made by the hospital for inpatient and outpatient hospital services that are covered under 13 CSR 70-15.010.

12. Hospital—A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not fewer than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide, for not fewer than twenty-four (24) hours in any week, medical or nursing care for three (3) or more nonrelated individuals. The term hospital does not include convalescent, nursing, shelter, or boarding homes as defined in Chapter 198, RSMo.

13. Hospital revenues subject to FRA assessment effective July 1, 2008—Each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues subject to the FRA assessment will be determined as follows:

A. Obtain "Gross Total Charges" from Worksheet G-2, Line 25, Column 3 from CMS 2552-96, or Worksheet G-2, Line 28, Column 3 from CMS 2552-10, of the third prior year cost report (i.e., FRA fiscal year cost report) for the hospital. Charges shall exclude revenues for physician services. Charges related to activities subject to the Missouri taxes assessed for outpatient retail pharmacies and nursing facility services shall also be excluded. "Gross Total Charges" will be reduced by the following:

(I) "Nursing Facility Charges" from Worksheet C, Part I, Line 35, Column 6 from CMS 2552-96, or Worksheet C, Part I, Line 45, Column 6 from CMS 2552-10;

(II) "Swing Bed Nursing Facility Charges" from Worksheet G-2, Line 5, Column 1 from CMS 2552-96, or Worksheet G-2, Line 6, Column 1 from CMS 2552-10;

(III) "Nursing Facility Ancillary Charges" as determined from the Department of Social Services, MO HealthNet Division, nursing home cost report. (Note: To the extent that the gross hospital charges, as specified in subparagraph (1)(A)13.A. above, include long-term care charges, the charges to be excluded through this step shall include all long-term care ancillary charges including skilled nursing facility, nursing facility, and other long-term care providers based at the hospital that are subject to the state's provider tax on nursing facility services.);

(IV) "Distinct Part Ambulatory Surgical Center Charges" from Worksheet G-2, Line 22, Column 2 from CMS 2552-96, or Worksheet G-2, Line 25, Column 2 from CMS 2552-10;

(V) "Ambulance Charges" from Worksheet C, Part I, Line 65, Column 7 from CMS 2552-96, or Worksheet C, Part I, Line 95, Column 7 from CMS 2552-10;

(VI) "Home Health Charges" from Worksheet G-2, Line 19, Column 2 from CMS 2552-96, or Worksheet G-2, Line 22, Column 2 from CMS 2552-10;

(VII) "Total Rural Health Clinic Charges" from Worksheet C, Part I, Column 7, Lines 63.50-63.59 from CMS 2552-96, or Worksheet C, Part I, Column 7, Line 88 and subsets from CMS 2552-10; and

(VIII) "Other Non-Hospital Component Charges" from Worksheet G-2, Lines 6, 8, 21, 21.02, 23, and 24 from CMS 2552-96, or Worksheet G-2, Lines 5, 7, 9, 21, 24, 26, and 27 from CMS 2552-10;

B. Obtain "Net Revenue" from Worksheet G-3, Line 3, Column 1. The state will ensure this amount is net of bad debts and other uncollectible charges by survey methodology;

C. "Adjusted Gross Total Charges" (the result of the computations in subparagraph (1)(A)13.A.) will then be further adjusted by a hospital-specific collection-to-charge ratio determined as follows:

(I) Divide "Net Revenue" by "Gross Total Charges"; and

(II) "Adjusted Gross Total Charges" will be multiplied by the result of part (1)(A)13.C.(I) to yield "Adjusted Net Revenue";

D. Obtain "Gross Inpatient Charges" from Worksheet G-2, Line 25, Column 1 from CMS 2552-96, or Worksheet G-2, Line 28, Column 1 from CMS 2552-10, of the most recent cost report that is available for a hospital;

E. Obtain "Gross Outpatient Charges" from Worksheet G-2, Line 25, Column 2 from CMS 2552-96, or Worksheet G-2, Line 28, Column 2 from CMS 2552-10, of the most recent cost report that is available for a hospital;

F. Total "Adjusted Net Revenue" will be allocated between "Net Inpatient Revenue" and "Net Outpatient Revenue" as follows:

(I) "Gross Inpatient Charges" will be divided by "Gross Total Charges";

(II) "Adjusted Net Revenue" will then be multiplied by the result to yield "Net Inpatient Revenue"; and

(III) The remainder will be allocated to "Net Outpatient Revenue"; and

G. The trend indices listed below will be applied to the apportioned inpatient adjusted net revenue and outpatient adjusted net revenue in order to inflate or trend forward the adjusted net revenues from the FRA fiscal year cost report to the current state fiscal year to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

(I) SFY 2009 = 5.50%

(II) SFY 2009 Missouri Specific Trend = 1.50%

(III) SFY 2010 = 3.90%

(IV) SFY 2010 Missouri Specific Trend = 1.50%

(V) SFY 2011 = 3.20%

(VI) SFY 2012 = 5.33%

(VII) SFY 2013 = 4.4%

(VIII) SFY 2014 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.70%

(IX) SFY 2015 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—4.30%

(X) SFY 2016 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.90%

(XI) SFY 2017 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—4.10%

14. Net operating revenue—Gross charges less bad debts, less charity care, and less contractual allowances times the trend indices listed in 13 CSR 70-15.010(3)(B).

15. Other operating revenues—The other operating revenue is total other revenue less government appropriations, less donations, and less income from investments times the trend indices listed in 13 CSR 70-15.010(3)(B).

AUTHORITY: section 208.201, RSMo Supp. 2013, section 208.453, RSMo Supp. 2014, and section 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State

Regulations. *Emergency amendment filed June 20, 2016, effective July 1, 2016, expires Dec. 27, 2016. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

PROPOSED AMENDMENT

2 CSR 90-10.001 Definitions and General Provisions. The commission is adding a new subsection (1)(Q) and relettering as needed.

PURPOSE: The commission is adding a definition to this section to clarify who may grade exams.

(1) Definitions. The following words and phrases shall mean:

(Q) "Third party," a person or entity who is neither the student nor the instructor;

[(Q)](R) "Transport," combination vehicle or vehicle used to haul propane for non-metered delivery; and

[(R)](S) "Wholesaler," "broker," or "reseller," a seller of propane

who is not a producer and who does not sell propane to the ultimate consumer.

AUTHORITY: section 323.010, RSMo Supp. 2014. Original rule filed Oct. 15, 2008, effective March 30, 2009. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 10—Liquefied Petroleum Gases

PROPOSED AMENDMENT

2 CSR 90-10.011 Inspection Authority—Duties. The commission is amending section (3), by deleting the old dates found therein and adding the new appropriate dates.

PURPOSE: This amendment updates this section to reflect the adoption of the updated publication of NFPA 58 as well as remove references to 1192 as it is being rescinded.

(3) The standards for storage and handling of LP gases and the standards for the installation of gas appliances and gas piping as published in the National Fire Protection Association publications, Numbers 54, 2015 edition; 58, [2014] 2017 edition; and 1192, 2014 edition. All publications are published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, which are incorporated by reference, and will be adhered to by the inspection authority in the course of administering its duties. This rule does not incorporate any subsequent amendments or additions to the referenced material. These are adopted as rules in 2 CSR 90-10.020, 2 CSR 90-10.040, 2 CSR 90-10.060, and 2 CSR 90-10.090.

AUTHORITY: section 323.020, RSMo Supp. [2014] 2013. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.012 Registration—Training. The commission is amending sections (3), (4), (5), and (6).

PURPOSE: The commission is changing language to better define the training rules.

(3) All persons applying for registration to engage in the business of handling or storing LP gases or in the business of installing, repairing, **converting**, or servicing piping, equipment, or appliances for use with LP gases shall be properly trained and experienced in the work, familiar with all safety precautions required, and comply with all requirements of Chapter 323, RSMo, and the rules pursuant to it.

(4) Every individual applying for registration to engage in the business of handling or storing LP gases or in the business of installing, repairing, **converting**, or servicing piping, equipment, or appliances for use with LP gases must score at least seventy-five percent (75%) on a written examination administered or authorized by the Missouri Propane Gas Commission before approval of registration will be granted.

(5) Every individual handling LP gases or servicing appliances or equipment within any business involved in handling or storing LP gases or involved in the installation, repairing, **converting**, or servicing of piping, equipment, or appliances for use with LP gases must attend and complete an initial training program as defined in 2 CSR 90-10.012(6), including the passing of a written examination. Every individual subject to the requirements of this section shall attend *[refresher]* training at least once every three (3) years. New employees shall be trained by their employer until such time that training is available through a training program approved by the director. The employer, or individual if self-employed, is responsible for ensuring compliance with this section.

(6) Each training program's curriculum must be based on the Propane and Education and Research Council (PERC) Certified Employee Training Program (CETP) or equivalent, structured to meet the trainee's needs, and contain information on applicable statutes and regulations governing liquefied petroleum gases. All training programs must be instructor-led by a *[competent trainer]* **commission-approved instructor**, include *[handson]* **hands-on** training or a skills assessment, and include an exam which requires a passing score of at least seventy percent (70%) and graded by a *[third-party grader]* **third party**. Programs must **initially** be approved by the commission or its designee *[initially]* and resubmitted for review and approval at least once every two (2) years or at such time change has been made~~;~~ *and any*. Any training program that, through audit, does not meet the approved training criteria may be rejected for use by the commission or its designee.

AUTHORITY: section 323.020, RSMo Supp. [2012] 2013. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed

July 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.013 Installation Requirements. The commission is deleting section (9).

PURPOSE: The commission is removing the documentation requirement for leak tests by removing section (9).

[(9) All leak checks shall be performed as per 2012 NFPA 54 8.2. Documentation shall be kept on file.]

AUTHORITY: section 323.020, RSMo Supp. [2012] 2013. Original rule filed July 13, 1977, effective Nov. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.020 NFPA Manual No. 54, National Fuel Gas Code. The commission is adding section (3).

PURPOSE: The purpose of this addition is to clarify that appliances cannot be converted from one fuel type to another if the manufacturer has prohibited it.

(3) All equipment covered by this standard shall be installed and

maintained in compliance with the instructions provided by the manufacturer. Appliances designed to use only a specific fuel may not be converted to use a different fuel if the manufacturer has prohibited such conversions.

AUTHORITY: sections 261.023.6. and 323.020, RSMo Supp. [2014] 2013. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed July 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

PROPOSED AMENDMENT

2 CSR 90-10.040 NFPA Manual No. 58, Storage and Handling of Liquefied Petroleum Gases. The commission is amending sections (1) and (3).

PURPOSE: The commission is amending the dates in section (1) to reflect the adoption of the latest publication of NFPA 58. The commission is also making a change to section (3) in order to clarify a statement.

(1) This rule incorporates by reference National Fire Protection Association (NFPA) Manual No. 58, *Storage and Handling of Liquefied Petroleum Gases*, [2015] 2017 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101, as the current standard for the storage and handling of liquefied petroleum gases (LP gas). This rule does not incorporate any subsequent amendments or additions to the referenced material.

(3) At all LP gas dispensers, it shall be the dispenser [owner's/ operator's] responsibility to provide initial training to persons who dispense propane. It shall be illegal for any person other than the trained person to operate the dispensing device. It shall be the responsibility of the owner or manager of each business, where a dispenser is located and operated, to ensure dispenser operators successfully complete training every three (3) years through a training program approved by the director.

AUTHORITY: sections 261.023.6. and 323.020, RSMo Supp. [2014] 2013. Original rule filed Jan. 24, 1968, effective Feb. 3, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed July 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

PROPOSED RESCISSION

2 CSR 90-10.090 NFPA Manual No. 1192, Chapter 5, Standard on Recreational Vehicles. This rule regulated the design, manufacturing, installation, and inspection of recreational vehicle heating systems and related systems.

PURPOSE: The commission is rescinding this rule as it is no longer necessary.

AUTHORITY: section 323.020, RSMo Supp. 2012. Original rule filed May 13, 1977, effective Jan. 13, 1978. For intervening history, please consult the Code of State Regulations. Rescinded: Filed July 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Agriculture, Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109 or by email at admin@mopropanesc.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.380 Mentoring Program Standards. The State Board of Education is proposing to amend section (1) and Appendix A.

PURPOSE: This amendment clarifies the standards for local education agency (LEA) mentoring programs.

(1) A successful **local education agency (LEA)** mentoring program [will/ shall] include, but may not be limited to, the standards listed below:

(A) An introduction to the cultural environment of the community, [school district/ LEA, school building, and classroom that/:]—

1. [Provides awareness of school and district/ **Introduces** LEA policies, procedures, and mission (teacher/ educator and student handbooks, Comprehensive School Improvement Plan (CSIP), goals, etc.);

2. *[Expresses]* **Introduces** community **characteristics/norms/local expectations** (community tour, housing, medical facilities, faith community, etc.);

3. *[Complements]* **Encourages membership and participation** in professional organizations at *[district]* LEA and state/national levels;

4. *[Discusses classroom equality gender/race/abilities]* **Addresses issues of diversity and equality**;

5. *[Is]* **Provides** a systematic and ongoing **process of introduction** to data analysis, assessment practice and process, etc. (not a one- (1-)/- day workshop);

6. Includes *[district]* LEA initiatives and parental *[concerns]* **feedback**; and

7. Defines professional, **educational**, and *[district]* LEA acronyms; *[Adequate Yearly Progress (AYP), Missouri School Improvement Program (MSIP), Individuals with Disabilities Education Act (IDEA), Parent Teacher Organization (PTO), etc.].*

(B) A systemic and ongoing program review/evaluation by all stakeholders \therefore —

1. Identifies all stakeholders;

2. Identifies mentoring **characteristics**, outcomes, *[how they will be measured,]* **measurements**, and timelines;

3. Gathers regular *[and]* systematic, **qualitative and quantitative** feedback from mentor, *[protégé]* mentee, and administrators to determine if mentoring is working *[might include pre- and post-surveys for mentors and protégés and may include information on retention rates/numbers, levels of job satisfaction, student achievement, or cost of turnover]*;

4. Is based on a foundation of best practices;

5. Requires independent/anonymous exit interviews of staff (may be connected to beginning educators' survey at state level) so clear reasons for staff departures can be determined;

6. Is supported by central office and school board—as **evidenced** by trend data; and

7. Is included in broader Professional Development (PD) program evaluation (locally and on Missouri School Improvement Program (MSIP) reviews) \therefore ;

(C) An individualized plan for beginning educators that aligns with the *[district's]* LEA's goals and needs that \therefore —

1. Is aligned with *[the department's Performance Based Teacher/Educator Evaluation (PBTE) standards]* **an LEA's evaluation tool approved by the Department of Elementary and Secondary Education (DESE)**;

2. Is a systematic and *[concise]* **specific** mentoring and professional development plan that *[prioritizes the immediate and future needs of the new educator]* **identifies priority indicators for beginning educators**;

3. Aligns with *[district's]* LEA's CSIP and certification requirements;

4. Establishes outcomes for new educators;

5. Is an extension or part of a professional development plan that may have begun during student teaching/internship or culminating project in college;

6. Establishes *[classroom or on-the-job observations that are guided by practices]* **non-evaluative mentor observations that are guided by needs identified by mentor and mentee**. Observations should include pre- and post- observation conferences, including reflective questions; *[and]*

7. Encourages structured experiences and expectations for all new educators (**planning time, meeting time, time management, etc.**) \therefore ;

8. Establishes opportunities for mentees to observe master educators; and

9. Plans for completion of a required and DESE-approved **Beginning Teacher Assistance Program (BTA)**;

(D) *[Appropriate criteria for selecting mentors that:]* **Collaborative selection of and support for mentors.**

1. **Current or retired educators selected to be mentors should—**

[1.]A. [Should h/Have a minimum of [three (3)] four (4) years of experience;

[2.]B. [Have] Exhibit traits [such as] enthusiasm and [job] commitment to the profession, maintain confidentiality, and be respected by their colleagues;

[3.]C. [Are] Be committed to [self-growth as well as] continuous learning, reflection, and mentoring;

[4.]D. Hold or have held a same or similar position/job of grade/subject area (in- or out-of-building/district);

[5. May use a mechanism to end pairing if either mentor or protégé is not satisfied;]

[6.]E. Understand broad educational issues as well as specific teaching/education issues; and

[7.]F. Have a strong understanding of pedagogy[,] and instructional expertise[, and relevant administrative issues;] in content area(s).

2. **School districts shall—**

[8.]A. [Are available to mentor] Create mentor/mentee collaboration time (release time, common planning time, fewer additional assignments);

[9.]B. [Are assigned] Require mentee/mentor pairs to be collaboratively assigned by administrator(s) and local professional development committee member(s) with input from grade-level or department chair; and

[10.]C. [Are supported] Support the mentoring process in time/effort by administration and school board \therefore ;

(E) Comprehensive mentor training **and support** that \therefore —

1. Recognizes mentoring is NOT evaluation; confidentiality is required between mentor and *[protégé]* mentee (except in situations of child endangerment);

2. Includes cognitive coaching skills along with collaborative training;

3. Includes observation and feedback training/skills;

4. Provides an awareness of phases of first-year educators (stress, depression, etc.);

5. Provides training on mentoring standards, performance-based evaluation requirements, certification requirements, and local expectations;

6. Includes a catalogue of resources available for beginning educators;

7. Recognizes the need for knowledge and strategies on classroom management;

8. Encourages *[small]* districts to form mentoring consortia (may use existing structures to form consortia (e.g., conference schools));

9. Focuses on exemplary teaching and assessment practices;

10. Builds working strategies that encourage problem solving and independent thinking;

11. Provides understanding of student assessments and how educators can utilize them to guide instruction; *[and]*

12. Includes self-assessment **and reflection** that identifies whether mentoring is meeting both the mentor's and *[protégé's]* mentee's expectations \therefore ; **and**

13. **Describes and provides a template for the mentor's log— a written record of observations/meetings that includes dates and times signed by both the mentor and mentee;**

(F) A complete list of responsibilities for the mentor, beginning *[teacher] educator*, and administrator(s) is addressed in Appendix A \therefore ;

(G) Sufficient time for mentors to observe beginning educators, and for the beginning educators to observe master educators \therefore , *are structured to provide multiple opportunities over time to minimize the need to require substitute teachers to facilitate observations*) by \therefore —

1. Aligning class schedules and planning periods to complement mentoring duties;

2. Utilizing state and local professional development funds/*Career Ladder*,] or stipends to support mentors' additional duties;

3. Providing a minimum of four (4) class periods each year for mentor release time *[for coaching] to coach, [observation] observe, and [meeting] meet [(minimum of three (3) each year)]* (twenty-four (24) observations with follow-up meetings recommended); *[and]*

[4. Encouraging college support of resources, on-line classes, personal visits, and/or beginning educators' assistance programs.]

4. Providing a minimum of four (4) opportunities for mentees to observe master educators each year; and

5. Providing release time to attend professional conferences, trainings, and meetings.

APPENDIX A

TOPIC	Beginning <i>[Teacher]</i> Educator	Mentor or Professional Development Committee (PDC)	<i>[Principal]</i> Administrator	District, PDC and School Board	College or University	DESE, Regional Service Centers, Associations, and Others
MENTOR SELECTION		PDC collaboratively assists in selection and pairing	<i>[Principal or superintendent]</i> Administrator collaboratively assists in selection and pairing	PDC collaboratively assists in selection and pairing		Source of content specific mentors
MENTOR TRAINING		Mentor attends training; PDC responsible for arranging on- going mentoring training	Attends mentor training and supports mentor and <i>[protégé]</i> mentee	Provides policy and support for ongoing mentor training program	Provides awareness or expectation for graduates and may provide training for mentors	Provides on- going regional training for mentors with cognitive coaching <i>[information]</i> support
INITIAL CONTACT	Seeks contact prior to beginning of school year	Contacts <i>[protégé]</i> mentee and welcomes him/her to community. Confirms first meeting (date/time)	Contacts <i>[protégé]</i> mentee and welcomes him/her to community. Arranges first meeting.	Provides curriculum guides, handbooks, and pertinent grade/subject level information	Instructs student teachers on expectation of mentoring program	
COMMUNICATION	Seeks support and assistance with mentor and colleagues	Follows through on contacts and individualizes topics for <i>[protégé]</i> mentee	Assures mentor and <i>[protégé]</i> mentee communicate regularly	May provide districtwide opportunities for mentors and <i>[protégés]</i> mentees	<i>[Provides a]</i> May provide minimum <i>[of]</i> annual contact for 1 st & 2 nd year teachers	Supports communication between colleges and new <i>[teachers]</i> educators
CONFIDENTIALITY	Maintains confidentiality at all times and appreciates assistance	Maintains confidentiality at all times and reinforces trust	Appreciates mentor/ <i>[protégé]</i> mentee confidentiality and does not undermine effort	Remains neutral party.		
DOCUMENTATION OF PROFESSIONAL DEVELOPMENT	Maintains log/list of inservice, professional workshops, reading, collaborative development projects, and organizational activities	Reviews documentation	Reviews formal professional <i>[development]</i> growth plan	Keeps required documentation for beginning educators and mentors for verification purposes	May collect data on strength or weakness of first- year <i>[teachers]</i> educators	May assist in data collection and review

PROFESSIONAL [DEVELOPMENT] GROWTH PLAN (Tied to Model Teacher/Leader Standards)	Maintains and regularly evaluates personal growth plan; shares with mentor	Assists in development of the [PD] professional growth plan and encourages growth and career advancement	Supports new educators' professional [development] growth plans	[Protégé/ Mentee and support team complete end-of- year district checklist or assessment	May provide ongoing or advanced coursework/ growth opportunities	Provides models and workshop opportunities
MENTOR PROGRAM SUPPORT	Network in and outside district	Network in and outside district	Supports time for observation, collaboration, [&] and compensation (Observation outside of district may be needed)	Formalizes written guidelines, mentor time, and resources	Offer support to graduates from any Missouri college	Develops rules and standards. Develop on- going mentor training/support and networking opportunities.
EVALUATION OF MENTORING [PROCESS] PROGRAM	Participate in formal evaluation of mentoring program	Participate in formal evaluation of mentoring program	Participate in formal evaluation of mentoring program	Develops mentoring assessment/ evaluation tool that aligns with standards and assesses formal evaluation of mentoring and makes revisions	May utilize information to improve preparation programs	Provides models; evaluates for MSIP purposes

AUTHORITY: sections 160.720[,] and 161.375, RSMo Supp. [2007] 2013, and section 161.092, RSMo Supp. 2014. This rule previously filed as 5 CSR 80-850.045. Original rule filed Oct. 29, 2002, effective June 30, 2003. Rescinded and readopted: Filed Jan. 18, 2008, effective Sept. 30, 2008. Moved to 5 CSR 20-400.380, effective Aug. 16, 2011. Amended: Filed June 20, 2016.

PUBLIC COST: The proposed amendment will cost local school districts a maximum of seven hundred thousand dollars (\$700,000) per year over the life of the rule, assuming mentoring is provided through an outside vendor. The cost of implementation could be substantially reduced for districts reallocating the resources of existing mentoring programs.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, attention: Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email at educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PUBLIC COST
FISCAL NOTE**

I. RULE NUMBER

Title 5 - Department of Elementary and Secondary Education

Division 20 - Division of Learning Services

Chapter 400 – Office of Educator Quality

Rule Number and Name:	5 CSR 20-400.380 Mentoring Program Standards
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
School Districts	Estimated maximum cost of \$700,000 per year over the life of the rule.

III. WORKSHEET

The estimated cost is based on 2,000 new teachers per year X \$350 per teacher = \$700,000 for mentoring services provided by an outside vendor.

IV. ASSUMPTIONS

The public cost of this rule is based on the assumption that the LEA uses an outside vendor for implementation of the mentoring program. Currently, mentoring programs provided through an outside vendor cost \$350 per participant. Assuming 2,000 new teachers enter Missouri school districts each year, the total cost of mentoring programs would be \$700,000 per year over the life of the rule. The cost of implementation could be substantially reduced or eliminated for districts reallocating the resources of existing mentoring programs. In addition, mentoring training could be included as a part of the LEA's program of professional development.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.051 Bingo Hearings. The commission is amending and renumbering sections (5)–(7).

PURPOSE: This amendment clarifies the commission's actions when a licensee responds to the commission and/or requests a hearing before the commission after discipline is proposed against it.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) [The h]Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

[[6]](7) Upon receiving [the case] findings of fact and conclusions of law supporting cause to discipline from the AHC, the commission shall set the matter for a hearing [in accordance with 11 CSR 45-13.030] pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter. The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address.

[[7]](8) Following [a] the hearing, [before the commission's hearing officer in accordance with this chapter,] the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: sections 313.004, 313.052, and 313.065, RSMo 2000, and sections 313.015, 621.045, and 621.110, RSMo Supp. 2013[, and section 313.004, RSMo Supp. 2014]. Original rule filed June 30, 2003, effective Feb. 29, 2004. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED RULE

11 CSR 45-30.056 Key Person Defined

PURPOSE: This rule defines the term key person as it relates to the licensing and conduct of bingo.

(1) For the purpose of sections 313.005–313.080, RSMo and rules thereto, the definition key person shall include:

(A) An officer, director, trustee, proprietor, managing agent, partner, or general manager of an applicant or licensee;

(B) Any individual whose combined direct, indirect, or attributed interest in any publicly traded or privately held supplier or manufacturer applicant or licensee is five percent (5%) or more; and

(C) Any individual so designated by the commission or the executive director.

(2) The term key person as defined in section (1) is to be applied in the commission's licensing approval process for the following licenses:

(A) Bingo Equipment/Supplies Manufacturer's license; and

(B) Bingo Equipment/Supplies Supplier's license.

(3) Each key person shall submit one (1) set of fingerprints and shall complete a form prescribed and published by the commission with each initial supplier's or manufacturer's license application.

(4) When requested by the commission in conjunction with a renewal, each key person shall submit one (1) set of fingerprints and shall complete a form prescribed and published by the commission.

(5) An entity shall not be issued a license if the result of a background check of any key person of that entity reveals that the person's involvement in the entity would tend to discredit charitable bingo operations in Missouri.

AUTHORITY: section 313.057, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed June 30, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in

the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.175 Organization (Operator) Record Keeping Requirements. The commission is amending sections (6), (8), and (9), adding a new section (7), moving existing section (7), and renumbering existing section (10).

PURPOSE: This amendment changes the record keeping and record retention requirements for bingo organizations.

(6) All pull tab flares must be retained by the organization for a period of one (1) year from the date the corresponding pull-tab game is completed or terminated upon prior approval by the commission. *[Each winning pull-tab card for values of one hundred dollars (\$100) or more must be signed by the winner, dated, and retained by the organization for a period of one (1) year.]*

(7) *[If sight-impaired players are sold Braille bingo cards for use during an occasion an equal amount of paper bingo cards shall be destroyed.] All pull-tab winners shall be counted and totaled at the end of each occasion to determine and record the prizes awarded. All winning pull-tab cards shall be retained for a period of four (4) weeks. Each winning pull-tab card for values of one hundred dollars (\$100) or more must be signed by the winner, dated, and retained by the organization for a period of one (1) year.*

(8) At the time each winning pull-tab card is identified, it shall be validated by either marking it with permanent ink or a hole punch so that it cannot be reused, resold, or reclaimed. *[All pull-tab winners shall be retained until the end of each occasion to determine prizes awarded.]*

(9) All records not specified in sections (5), (6), *[or] (7), or (8)* of this rule, as well as all ledgers, receipts, and invoices required by this rule and Chapter 313, RSMo, must be retained for a period of two (2) years, unless prior written approval is received from the commission to retain any such record, ledger, receipt, or invoice for a period less than two (2) years, and stored in such a manner as to be immediately available for inspection by the commission upon demand.

(10) If sight-impaired players are sold Braille bingo cards for use during an occasion an equal amount of paper bingo cards shall be destroyed.

[(10)](11) Operators are only allowed to buy bingo paper, pull-tabs, and bingo equipment from suppliers licensed by the commission. If violations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo, are identified by the commission, the operator's license may be subject to penalties, suspension, or revocation. The term bingo equipment and supplies does not include markers, cushions, bags, and other incidentals.

AUTHORITY: section 313.050, RSMo Supp. 2013, and sections 313.052 and 313.065, RSMo 2000. Original rule filed Dec. 15, 1994, effective May 28, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.280 Net Receipts from Bingo and Bank Account. The commission is adding a new section (1), amending existing section (1), and renumbering sections (2)–(8).

PURPOSE: This amendment changes the requirements for obtaining dedicated bingo checking accounts.

(1) Each regular/annual bingo licensee is required to obtain a dedicated bingo checking account in a financial institution located in Missouri. Each special bingo and pull-tab licensee or special abbreviated pull-tab licensee that obtains any three (3) special licenses during any calendar year and applies for a fourth such license shall obtain a dedicated bingo checking account in a financial institution located in Missouri.

[(1)](2) All receipts from each bingo occasion, less the amount awarded as cash prizes for that occasion, shall be deposited in *[a special]* the bingo checking account *[in a financial institution located in Missouri]* no later than the next business day following the date of the bingo occasion. Disbursements for reasonable and necessary expenses incidental to the conduct of bingo games shall be paid from the *[special]* bingo checking account on preprinted, serially numbered checks. Checks shall be payable to a specific payee. At no time may checks be made payable to "cash." An organization may use a debit transaction instead of a check; however, each debit transaction shall be reported with other disbursements from the bingo checking account on the quarterly report as required by 11 CSR 45-30.210. All debit transactions shall be documented with a receipt or other supporting documentation to ensure proper use of bingo proceeds.

[(2)](3) If an organization uses starting cash, a check shall be written to a financial institution, retail establishment, or to a charitable organization to obtain the starting cash. The entire amount of the starting cash obtained by the organization shall be redeposited into the bingo checking account no later than the next business day. An organization may use a debit transaction instead of a check to obtain starting cash from their bingo checking account; however, each debit transaction shall be reported with other disbursements from the bingo checking account on the quarterly report, as required by 11 CSR 45-30.210.

[(3)](4) Pursuant to section 313.040.1, RSMo, the entire net receipts over and above the actual cost of conducting the game of bingo as enumerated in section 313.040.1, RSMo may be paid from the bingo

checking account into the general treasury of the licensed bingo organization. All bingo funds paid into the general treasury of the licensed bingo organization shall be devoted exclusively to lawful, charitable, religious, or philanthropic purposes of the licensed organization. However, no funds from any source shall be used to compensate anyone affiliated with the licensee for managing, conducting, or operating the game of bingo or to provide any services or equipment for the game of bingo.

[(4)](5) Game operators may transfer funds from another account into the bingo checking account to cover bingo game-related expenses. Bingo operators may not deposit receipts from any other fund-raising activities of the organization into the bingo checking account. Any monies deposited into the bingo checking account are deemed to be bingo proceeds and can only be used to pay bingo gaming expenses or for religious, charitable, or philanthropic purposes.

[(5)](6) Bingo funds may be used for up to three (3) members of the organization to attend up to two (2) bingo-related conventions per calendar year. The following documentation shall be retained in the licensee's bingo records, and made available to commission staff upon request, for any convention expenses paid from bingo proceeds: 1) an official brochure containing the agenda and cost of the convention; 2) the names of the members attending and the title they hold in the organization; and 3) all receipts for associated costs such as mileage, hotel, and other reasonable expenses. Organizations may use bingo proceeds to pay reasonable fees to hold membership in a bingo-related association or organization. Documentation shall be retained reflecting the cost of said membership.

[(6)](7) The bookkeeping or accounting records of the licensed organization shall completely and accurately reflect the net amount received from operating bingo. The total expenditures for lawful, charitable, religious, or philanthropic purposes from all revenue sources shall equal or exceed the net receipts from bingo.

[(7)](8) The commission upon request may examine any account into which bingo proceeds are deposited or transferred.

[(8)](9) Any licensee who denies the commission access to any account into which bingo proceeds are deposited or transferred may have its license immediately suspended until such access is granted.

AUTHORITY: *section[s] 313.040, RSMo Supp. 2014, [and] section 313.050, RSMo Supp. 2013, and sections 313.052, 313.065, and 313.070, RSMo 2000. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2016.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.540 Approval of Bingo Paraphernalia. The commission is adding a new section (1), amending and renumbering existing sections (1) and (2), and renumbering existing section (3).

PURPOSE: *This amendment clarifies the game approval requirements.*

(1) Written approval from the commission shall be obtained prior to the delivery of any type of pull-tab game to any licensed supplier for sale to organizations licensed to conduct bingo in this state.

[(1)](2) **In order to obtain approval for a pull-tab game, the [L]icensed manufacturer[s] shall submit to the commission [all] each pull-tab flare/s and five (5) pull-tabs including at least], one (1) winning pull-tab, [and] one (1) losing pull-tab, a sheet displaying all symbols used in the game, and a payout (profit) sheet for each form of the pull-tab/, and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state] game.** If the pull-tab *[deal]* is an event ticket game, *[a sample pull-tab ticket for each type of hold or play ticket and]* play instructions shall also be submitted with the request for approval. In lieu of submitting actual products, the licensee may submit an electronic representation of the *[flare, pull-tabs, and payout (profit) sheet for each form. The electronic representation shall include all symbols used in the game]* **required submission information.**

[(2)](3) Licensed manufacturers shall submit to the commission all coin boards, excluding the actual coins and prizes, or legible artwork of the coin board, *[and five (5) pull-tabs including at least]* one (1) winning pull-tab, *[and]* one (1) losing pull-tab, **a sheet displaying all symbols used in the game,** and a payout (profit) sheet *[and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state]*. In lieu of submitting actual products, the licensee may submit an electronic representation of the *[coin boards, pull-tabs, and payout (profit) sheet for each form. The electronic representation shall include all symbols used in the game]* **required submission information.**

[(3)](4) No unapproved pull-tabs or coin boards shall be provided to, or be possessed or used by, any licensed bingo organization in this state. Bingo paper that does not meet the definition contained in section 313.005, RSMo, shall not be provided to, or be possessed or used by, any licensed bingo organization. Any such bingo paper that may be provided to or possessed by a licensed bingo organization is declared contraband.

AUTHORITY: *sections 313.020 and 313.065, RSMo 2000. Original rule filed May 6, 2003, effective Jan. 30, 2004. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices. The commission is amending section (7).

PURPOSE: This amendment changes the requirements from member to worker for downloading Electronic Bingo Card Monitoring Device (EBCMD).

(7) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(A) An EBCMD shall be downloaded with electronic bingo cards only by an approved bingo worker or authorized representative of the licensed supplier if accompanied by an approved [member] worker of the licensed organization.

AUTHORITY: section 313.040, *RSMo Supp. 2014*, section[s] 313.005, [and] *RSMo Supp. 2013*, and section 313.065, *RSMo 2000*. Original rule filed Nov. 10, 1998, effective June 30, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.610 Wireless Technology. The commission is amending section (2).

PURPOSE: This rule changes the requirements for using wireless electronic bingo monitoring devices (EBCMDs).

(2) [The licensed manufacturer shall ensure any electronic

bingo card monitoring device is not capable of loading bingo faces wirelessly.] **Bingo faces shall not be loaded wirelessly on an electronic bingo card monitoring device after that device has been provided to the patron.**

AUTHORITY: section 313.040, *RSMo Supp. 2014*, section[s] 313.005, [and] *RSMo Supp. 2013*, and section 313.065, *RSMo 2000*. Original rule filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

PROPOSED RULE

13 CSR 70-3.260 Payment Policy for Asthma Education and In-Home Environmental Assessments

PURPOSE: This rule establishes the MO HealthNet payment policy for asthma education and in-home environmental assessments. To improve the health of MO HealthNet's participants with asthma and to reduce MO HealthNet's costs associated with participants with uncontrolled asthma, MO HealthNet will implement a statewide asthma education and home assessment program focusing on youth participants who are most at risk of having uncontrolled asthma.

(1) The following definition(s) will be used in administering this rule:

(A) Asthma Education-direct training of the patient and family by qualified asthma education provider in areas including, but not limited to, avoiding triggers, medication compliance, proper use of inhalers, and use of durable medical equipment;

(B) In-Home Environmental Assessment-thorough and detailed analysis of the home environment by a qualified environmental assessment provider evaluating for asthma triggers including, but not limited to, rodent excrement, mites, animal dander, insects, dust, mold with recommendations for remedial actions;

(C) Uncontrolled Asthma-those with a primary diagnosis of asthma with one (1) or more asthma-related hospitalization in a twelve- (12-) month period, two (2) asthma-related emergency department visits in a twelve- (12-) month period, or three (3) or more urgent care visits in a twelve- (12-) month period, and over use of rescue inhalers and/or under use of inhaled corticosteroids;

(D) Qualified Academic University-Based Centers.

1. The academic university-based center responsible for tracking asthma educators must meet the following criteria:

A. Serve as a contractor for the Centers for Disease Control

(CDC) National Asthma Control Program (NACP) funded by Missouri Asthma Prevention and Control Program (MAPCP);

B. Maintain a comprehensive database that contains information on individuals trained receiving Expert Panel Report 3 (EPR-3) compliant asthma training;

C. Staff providing the training must be a Certified Asthma Educator as recognized by the National Association of Asthma Educators; and

D. Provide training that focuses on educational/behavioral objectives in four (4) key areas—

(I) Inhaled corticosteroid adherence;

(II) Inhaled technique;

(III) Environmental trigger reduction; and

(IV) Regular check-ups with control measures.

2. The academic university-based center responsible for tracking asthma in-home environmental assessors must meet the following criteria:

A. Serve as the contractor for the CDC NACP funded MAPCP;

B. Provide a vital linkage between health care providers and public health resources through a Central Access Point (CAP);

C. Maintain a comprehensive database that contains information on individuals trained specific to Home Environmental Assessments (HEAs) for asthma trigger identification and reduction in the home setting; and

D. Track quality indicators and collect required outcomes data;

(E) Qualified providers (asthma education and environmental assessment)-a professional with appropriate training, as defined in section (4) of this regulation, in asthma education or environmental/home assessment, as evidenced by a national and/or state certification from an accepted program; and

(F) Youth participants-any individual younger than the age of twenty-one (21) or Independent Foster Care Adolescents who are in foster care at age eighteen (18), or at any time during the thirty- (30-) day period preceding their eighteenth birthday through age twenty-five (25) (208.151(26), RSMo).

(2) Definition of Medical Services.

(A) Asthma education—

1. Asthma education non-physician, (thirty- (30-) minute sessions, twice per year); or

2. Preventive medicine counseling, individual, (fifteen- (15-) minute sessions four (4) times per year); or

3. Preventive medicine counseling, individual, (thirty- (30-) minute sessions twice per year); or

4. Self-Management Education using standardized effective curriculum, individually, either incident to a clinical encounter or as preventative service, (ninety- (90-) minute session once per year).

(B) In-Home Environmental Assessment—

1. Asthma in-home environmental assessment non-physician.

(3) Recipient Criteria. In order to qualify for, and receive, asthma education and/or in-home environmental assessments, the participant must have a primary diagnosis of asthma and meet the MO HealthNet Division's (MHD) definition of a youth participant with uncontrolled asthma or at risk for an asthmatic attack. MHD will include the following criteria in defining participant eligibility:

(A) Age;

(B) Inpatient hospital stays;

(C) Emergency room and urgent care visits;

(D) Overuse of rescue inhalers; and

(E) Under use of inhaled corticosteroids.

(4) Qualified Provider Criteria. A qualified provider must meet the minimum education and certification requirements to qualify as a provider of asthma education and/or in-home environmental assessments set forth in this subsection.

(A) Asthma Education—

1. Asthma educators must have the credentials set forth in this subsection:

A. Any professional background with the corresponding professional degree from an accredited institution in good standing; and

B. Asthma educators must have one (1) of the following certifications in good standing:

(I) Current and active National Asthma Educator Certification (AEC);

(a) Thirty-five (35) Continuing Education Unit (CEU) every five (5) years; or

(b) Retake AEC asthma educator exam within the timeframes set forth by the AEC; or

(II) State certification. The provider must have certification from an accredited Missouri training program that utilizes the accredited National Association of Asthma Educators Curriculum "Becoming an Asthma Educator and Care Manager." A Missouri training program certificate means that the student is competent to provide services upon graduation and with the same level of expertise as expected with national certification, including;

(a) Program may contain a mix of didactics with practicum work in the field; and

(b) The graduates are required to maintain the same number of CEUs as the national program—

I. Thirty-five (35) CEUs every five (5) years; or

II. Retake certification exam every seven (7) years.

C. The qualified academic university-based center responsible for tracking asthma educators will maintain an up-to-date database of credentialed asthma education providers in Missouri and will monitor compliance with national and state certifications;

2. Mentor program. A mentee is someone who is working towards a certificate. Once certified, the asthma educator can become a mentor for individuals that are seeking their national certification. Mentors, who must be an enrolled Medicaid provider, can have a maximum of three (3) mentees at a time. Mentors have the capability of billing MHD for their services, while mentees cannot. Services provided by a mentee under the supervision of the mentor can be billed to MHD by the mentor. Individuals that qualify for a mentorship are individuals not certified as asthma educators and seeking either national or state certification. These individuals can be mentored for a maximum timeframe of eighteen (18) months to obtain one thousand (1,000) hours of service. Once the one thousand (1,000) hours are obtained, the mentee must attempt to obtain the National AEC or the state certification.

(B) In-home environmental assessors must have the credentials set forth in this subsection—

1. Any professional background with the corresponding professional degree from an accredited institution in good standing; and

2. An in-home environmental assessor must have one (1) of the following certifications in good standing:

A. National Certification—

(I) National Environmental Health Association (NEHA) Healthy Home Specialist; or

(II) NEHA Healthy Home Evaluator Micro-Credential; or

B. State Certification—

(I) The provider must have certification from an accredited Missouri training program that provides a certificate for in-home environmental assessors;

(II) A Missouri training program certificate means that the student is competent to provide services upon graduation and with the same level of expertise as expected with the national certification; and

3. The qualifying academic university-based center responsible for tracking asthma in-home environmental assessors will maintain an up-to-date database of credentialed asthma in-home environmental assessment providers in Missouri and will monitor for compliance with national and state certifications.

(5) Process for Enrollment in Asthma Education and In-Home Environmental Assessments.

(A) A physician's referral as part of a normal office visit for evaluation and management is necessary for both asthma education and in-home environmental assessment. The physician must prescribe the service in the participant's plan of care for services to be considered.

(B) As part of the referral, a physician determines and specifies the level and type of asthma education and in-home environmental assessment based on available history and in consultation with asthma educators and in-home environmental assessors, as needed.

(C) The physician must seek prior authorization from MHD.

(6) Qualifying Academic University-Based Centers will evaluate, certify, and track physician referrals. Qualifying academic university-based centers will function to handle physician referrals for asthma education and environmental home assessment statewide for qualified asthma educators and in-home environmental assessors when requested by the physician by providing MHD with the following services:

(A) The qualified academic university-based center responsible for tracking asthma in-home environmental assessors must maintain a list of all certified in-home environmental assessors in the state;

(B) The qualified academic university-based center responsible for tracking asthma educators must maintain a list of all trained asthma educators in the state;

(C) The qualified academic university-based centers must make referrals to qualified local community providers after receiving the physician referral for asthma education and/or environmental home assessments, if requested by the prescribing physician;

(D) The qualified academic university-based centers must maintain a website with an up-to-date provider list for physicians and their offices to utilize to consult asthma educators and asthma in-home environmental assessors to provide services to participants once a prior authorization has been approved; and

(E) An up-to-date provider list must also be available to providers on the Department of Social Services' website <https://dssapp.dss.mo.gov/providerlist/providers.asp>

(7) Model/Algorithm for identifying the eligible population. The youth participant must have a primary diagnosis of asthma and—

(A) One (1) or more inpatient stays related to asthma; or

(B) Two (2) or more emergency department visits related to asthma; or

(C) Three (3) or more urgent care visits related to asthma; or

(D) One (1) emergency department visit or one (1) urgent care visit related to asthma with a high rate of short-acting beta-agonist inhaler fills and/or low rates of inhaled corticosteroid refills; or

(E) Responsible provider prescribes services in the plan of care.

(8) Authorization Limits.

(A) All services will require a prior authorization.

(B) Annual limit of asthma education visits will be dependent on the codes used, but shall not exceed one (1) hour per year with the exception of one (1) ninety- (90-) minute self-management session and two (2) in-home environmental assessments that are allowed annually. Any additional asthma education and environmental in-home assessments will need to go through the prior authorization process and be deemed medically necessary.

(9) Reimbursement Methodology for Asthma Education and In-Home Environmental Assessments.

(A) MHD shall provide reimbursement for asthma education and in-home environmental assessments to enrolled asthma educators and environmental assessors who are currently certified and in good standing with the state.

(B) Reimbursement for services is made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by MHD to be a reasonable fee, consistent with efficien-

cy, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charge (should be the provider's usual and customary charge to the general public for the service), or the maximum allowable per unit of service. Reimbursement shall only be made for services authorized by MHD or its designee.

(C) The fee schedule and any annual/periodic adjustments to the fee schedule are published at <http://www.dss.mo.gov/mhd/providers/index.htm>.

AUTHORITY: section 208.201, RSMo Supp 2013. Original rule filed June 23, 2016.

PUBLIC COST: The proposed rule will cost state agencies or political subdivisions one million two hundred fifty thousand (\$1.25 million) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twenty-six thousand six hundred twenty-six dollars (\$26,626) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, MO 65109. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Title 13 - Department of Social Services**
Division Title: Division 70 - MO HealthNet Division
Chapter Title:

Rule Number and Name:	13 CSR 70-3.260 Asthma Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Division	Annual Fiscal Year Cost – \$1,250,000

III. WORKSHEET

Total cost for the program is estimated to be \$1,250,000. MO HealthNet determined 1,502 children in fee for service would be eligible at a cost of \$350 per child, for a total cost of \$525,700. MO HealthNet determined there would be 1,998 children in managed care that would be eligible at a cost of \$350, for a total cost of \$699,300. There would also be an actuarial analysis in year one of \$25,000. The total cost for fee for service and managed care is estimated at \$1,250,000

IV. ASSUMPTIONS

MO HealthNet assumes that 3,500 children could receive services. This was based on 2014 HEDIS requirements for the denominator of the measure "Use of Appropriate Medications for People with Asthma". Of those participants meeting this criteria, MO HealthNet further refined the group by identifying only MO HealthNet children with an Emergency Room visit or an Inpatient Stay.

MO HealthNet assumes that each child identified could receive \$350 in services per year. This would consist of 2 in-home assessments per year at \$125 each and (4) four 15-minute sessions of asthma education at \$25 per 15-minutes, or (1) one 90-minute session at \$100 for 90 minutes.

MO HealthNet assumes that 1,502 participants will be in fee-for-service and 1,998 will be in Managed Care. The cost for fee-for-service are estimated to be \$525,700 (1,502 x \$350). The cost for those in Managed Care are estimated to be \$699,300 (1,998 x \$350). This cost will be included in the capitated rate. There will also be an actuarial analysis for the first year, estimated to be \$25,000.

The savings were calculated using a benefit cost ratio from an article published in the American Journal of Preventive Medicine, and applied to the MO HealthNet population for Emergency Department and Inpatient Hospital Admissions.

The Fee for Service savings were estimated at the mid-range of the cost savings, which is a total of (\$912,888) – GR (\$334,824); FF – (\$578,064).

The Managed Care savings were estimated at the mid-range of the cost savings, which is a total of (\$933,275) – GR (\$342,302); FF – (\$590,973).

The Fee For Service Net savings in FY16 is estimated to be
TOTAL - (\$387,188); GR - (\$142,011); FF – (\$245,177).

The Managed Care cost in FY 16 is estimated to be
TOTAL – (\$208,975); GR – (\$73,316); FF – (\$135,659).

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title:**

Rule Number and Title:	13 CSR 70-3.260 Asthma Education and Asthma Environmental Assessments
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Academic University-Based Centers	Estimated Cost for SFY 2016 \$26,626

III. WORKSHEET

The total cost for academic university-based centers is \$26,626.

IV. ASSUMPTIONS

Southeast Missouri State University estimates the cost to certify an individual is \$75 per individual and there are about 150 people per year that go through the program for a total cost of \$11,250.

The University of Missouri Columbia will assist once per week to check status of educator's certificates and determine if they are completing their CEUs. The project total is \$15,376.

Total cost for Southeast Missouri State University and the University of Missouri Columbia are \$26,626.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending subsection (3)(B) and adding new subsection (7)(C).

PURPOSE: This amendment provides for the State Fiscal Year (SFY) 2017 trend factor to be applied in determining Federal Reimbursement Allowance (FRA) funded hospital payments for SFY 2017. This amendment also provides for the change in Children's Outliers reimbursement effective May 1, 2017.

(3) Per Diem Reimbursement Rate Computation. Each hospital shall receive a MO HealthNet per diem rate based on the following computation:

(B) Trend Indices (TI). Trend indices are determined based on the four- (4-) quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill, or equivalent publication, regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY). Trend indices starting in SFY 2016 will be determined based on the Hospital Market Basket index as published in *Healthcare Cost Review* by Institute of Health Systems (IHS), or equivalent publication, regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY).

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%
- G. SFY 2000—4.0%
- H. SFY 2001—4.6%
- I. SFY 2002—4.8%
- J. SFY 2003—5.0%
- K. SFY 2004—6.2%
- L. SFY 2005—6.7%
- M. SFY 2006—5.7%
- N. SFY 2007—5.9%
- O. SFY 2008—5.5%
- P. SFY 2009—5.5%
- Q. SFY 2010—3.9%
- R. SFY 2011—3.2%—The 3.2% trend shall not be applied in

determining the per diem rate, Direct Medicaid payments, or uninsured payments.

- S. SFY 2012—4.0%
- T. SFY 2013—4.4%
- U. SFY 2014—3.7%
- V. SFY 2015—4.3%
- W. SFY 2016—2.5%
- X. SFY 2017—2.7%

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per diem rate and for SFY 1999 the OC of the June 30, 1998, rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999, rate shall be trended by 2.4%. The OC of the June 30, 2000, rate shall be trended by 1.95% for SFY 2001.

3. The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid payments computed in accordance with

subsection (15)(B).

4. A facility previously enrolled for participation in the MO HealthNet Program, which either voluntarily or involuntarily terminates its participation in the MO HealthNet Program and which reenters the MO HealthNet Program, will receive the same inpatient rate and outpatient rate as the previous owner/operator. Such facility will also receive the same Direct Medicaid Add-On Payment and Uninsured Add-On Payment as the previous owner/operator if the facility reenters the MO HealthNet Program during the same state fiscal year. If the facility does not reenter during the same state fiscal year, the Direct Medicaid Add-On Payment and Uninsured Add-On Payment will be determined based on the applicable base year data (i.e., fourth prior year cost report for the Direct Medicaid Payment; see 13 CSR 70-15.220 for the applicable data for the Uninsured Add-On Payment). If the facility does not have the applicable base year data, the Direct Medicaid Add-On Payment and the Uninsured Add-On Payment will be based on the most recent audited data available and will include annual trend factor adjustments from the year subsequent to the cost report period through the state fiscal year for which the payments are being determined.

(7) Outlier Adjustment for Children Under the Age of Six (6).

(C) Effective for admissions beginning on or after May 1, 2017, outlier adjustments will only be made for the fee for service claims. All criteria listed under subsection (7)(A) will continue to be applied to the fee for service outlier submissions.

AUTHORITY: sections 208.153 and 208.201, RSMo Supp. 2013, and section 208.152, RSMo Supp. [2014] 2015. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 20, 2016, effective July 1, 2016, expires Dec. 27, 2016. Amended: Filed June 23, 2016.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately nineteen million eight hundred thousand (\$19.8 million) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 15 – Hospital Program

Rule Number and Title:	13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimate Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Division	SFY 2017 Impact: Total Cost = \$53.9 million; State Share = \$19.8 million

III. WORKSHEET**Estimated Cost for SFY 2017:**

Estimated Payments with 2.7% Trend	\$2,379,464,154
Estimated Payments without 2.7% Trend	\$2,325,521,604
Estimated Impact of 2.7% Trend	\$53,942,550
State Share Percentage	36.772%
State Share	\$19,835,755

IV. ASSUMPTIONS

The estimated cost is based upon the data in FRA 17-1. The base year for the SFY 2017 payments are the 2013 cost reports, which are adjusted by the applicable trends published in 13 CSR 70-15.010 and the 2.7% trend for SFY 2017, which is the subject of this proposed amendment.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is amending subsection (1)(A).

PURPOSE: This amendment provides for the State Fiscal Year (SFY) 2017 trend factor to be applied to the inpatient and outpatient adjusted net revenues determined from the Federal Reimbursement Allowance (FRA) fiscal year cost report to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

(1) Federal Reimbursement Allowance (FRA). FRA shall be assessed as described in this section.

(A) Definitions.

1. Bad debts—Amounts considered to be uncollectible from accounts and notes receivable that were created or acquired in providing services. Allowable bad debts include the costs of caring for patients who have insurance, but their insurance does not cover the particular service procedures or treatment rendered.

2. Base cost report—Desk-reviewed Medicare/Medicaid cost report. The Medicare/Medicaid Cost Report version 2552-96 (CMS 2552-96) shall be used for fiscal years ending on or after September 30, 1996. The Medicare/Medicaid Cost Report version 2552-10 (CMS 2552-10) shall be used for fiscal years beginning on and after May 1, 2010. When a hospital has more than one (1) cost report with periods ending in the base year, the cost report covering a full twelve- (12-) month period will be used. If none of the cost reports covers a full twelve (12) months, the cost report with the latest period will be used. If a hospital's base cost report is less than or greater than a twelve- (12-) month period, the data shall be adjusted, based on the number of months reflected in the base cost report, to a twelve- (12-) month period.

3. Charity care—Those charges written off by a hospital based on the hospital's policy to provide health care services free of charge or at a reduced charge because of the indigence or medical indigence of the patient.

4. Contractual allowances—Difference between established rates for covered services and the amount paid by third-party payers under contractual agreements. The Federal Reimbursement Allowance (FRA) is a cost to the hospital, regardless of how the FRA is remitted to the MO HealthNet Division, and shall not be included in contractual allowances for determining revenues. Any redistributions of MO HealthNet payments by private entities acting at the request of participating health care providers shall not be included in contractual allowances or determining revenues or cost of patient care.

5. Department—Department of Social Services.

6. Director—Director of the Department of Social Services.

7. Division—MO HealthNet Division, Department of Social Services.

8. Engaging in the business of providing inpatient health care—Accepting payment for inpatient services rendered.

9. Federal Reimbursement Allowance (FRA)—The fee assessed to hospitals for the privilege of engaging in the business of providing inpatient health care in Missouri. The FRA is an allowable cost to the hospital.

10. Fiscal period—Twelve- (12-) month reporting period determined by each hospital.

11. Gross hospital service charges—Total charges made by the hospital for inpatient and outpatient hospital services that are covered under 13 CSR 70-15.010.

12. Hospital—A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not fewer than twenty-four (24) hours in any week of three (3) or more

nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide, for not fewer than twenty-four (24) hours in any week, medical or nursing care for three (3) or more nonrelated individuals. The term hospital does not include convalescent, nursing, shelter, or boarding homes as defined in Chapter 198, RSMo.

13. Hospital revenues subject to FRA assessment effective July 1, 2008—Each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues subject to the FRA assessment will be determined as follows:

A. Obtain "Gross Total Charges" from Worksheet G-2, Line 25, Column 3 from CMS 2552-96, or Worksheet G-2, Line 28, Column 3 from CMS 2552-10, of the third prior year cost report (i.e., FRA fiscal year cost report) for the hospital. Charges shall exclude revenues for physician services. Charges related to activities subject to the Missouri taxes assessed for outpatient retail pharmacies and nursing facility services shall also be excluded. "Gross Total Charges" will be reduced by the following:

(I) "Nursing Facility Charges" from Worksheet C, Part I, Line 35, Column 6 from CMS 2552-96, or Worksheet C, Part I, Line 45, Column 6 from CMS 2552-10;

(II) "Swing Bed Nursing Facility Charges" from Worksheet G-2, Line 5, Column 1 from CMS 2552-96, or Worksheet G-2, Line 6, Column 1 from CMS 2552-10;

(III) "Nursing Facility Ancillary Charges" as determined from the Department of Social Services, MO HealthNet Division, nursing home cost report. (Note: To the extent that the gross hospital charges, as specified in subparagraph (1)(A)13.A. above, include long-term care charges, the charges to be excluded through this step shall include all long-term care ancillary charges including skilled nursing facility, nursing facility, and other long-term care providers based at the hospital that are subject to the state's provider tax on nursing facility services.);

(IV) "Distinct Part Ambulatory Surgical Center Charges" from Worksheet G-2, Line 22, Column 2 from CMS 2552-96, or Worksheet G-2, Line 25, Column 2 from CMS 2552-10;

(V) "Ambulance Charges" from Worksheet C, Part I, Line 65, Column 7 from CMS 2552-96, or Worksheet C, Part I, Line 95, Column 7 from CMS 2552-10;

(VI) "Home Health Charges" from Worksheet G-2, Line 19, Column 2 from CMS 2552-96, or Worksheet G-2, Line 22, Column 2 from CMS 2552-10;

(VII) "Total Rural Health Clinic Charges" from Worksheet C, Part I, Column 7, Lines 63.50–63.59 from CMS 2552-96, or Worksheet C, Part I, Column 7, Line 88 and subsets from CMS 2552-10; and

(VIII) "Other Non-Hospital Component Charges" from Worksheet G-2, Lines 6, 8, 21, 21.02, 23, and 24 from CMS 2552-96, or Worksheet G-2, Lines 5, 7, 9, 21, 24, 26, and 27 from CMS 2552-10;

B. Obtain "Net Revenue" from Worksheet G-3, Line 3, Column 1. The state will ensure this amount is net of bad debts and other uncollectible charges by survey methodology;

C. "Adjusted Gross Total Charges" (the result of the computations in subparagraph (1)(A)13.A.) will then be further adjusted by a hospital-specific collection-to-charge ratio determined as follows:

(I) Divide "Net Revenue" by "Gross Total Charges"; and

(II) "Adjusted Gross Total Charges" will be multiplied by the result of part (1)(A)13.C.(I) to yield "Adjusted Net Revenue";

D. Obtain "Gross Inpatient Charges" from Worksheet G-2, Line 25, Column 1 from CMS 2552-96, or Worksheet G-2, Line 28, Column 1 from CMS 2552-10, of the most recent cost report that is available for a hospital;

E. Obtain "Gross Outpatient Charges" from Worksheet G-2, Line 25, Column 2 from CMS 2552-96, or Worksheet G-2, Line 28, Column 2 from CMS 2552-10, of the most recent cost report that is available for a hospital;

F. Total "Adjusted Net Revenue" will be allocated between

“Net Inpatient Revenue” and “Net Outpatient Revenue” as follows:

(I) “Gross Inpatient Charges” will be divided by “Gross Total Charges”;

(II) “Adjusted Net Revenue” will then be multiplied by the result to yield “Net Inpatient Revenue”; and

(III) The remainder will be allocated to “Net Outpatient Revenue”; and

G. The trend indices listed below will be applied to the apportioned inpatient adjusted net revenue and outpatient adjusted net revenue in order to inflate or trend forward the adjusted net revenues from the FRA fiscal year cost report to the current state fiscal year to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

(I) SFY 2009 = 5.50%

(II) SFY 2009 Missouri Specific Trend = 1.50%

(III) SFY 2010 = 3.90%

(IV) SFY 2010 Missouri Specific Trend = 1.50%

(V) SFY 2011 = 3.20%

(VI) SFY 2012 = 5.33%

(VII) SFY 2013 = 4.4%

(VIII) SFY 2014 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.70%

(IX) SFY 2015 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—4.30%

(X) SFY 2016 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—3.90%

(XI) SFY 2017 =

(a) Inpatient Adjusted Net Revenues—0%

(b) Outpatient Adjusted Net Revenues—4.10%

14. Net operating revenue—Gross charges less bad debts, less charity care, and less contractual allowances times the trend indices listed in 13 CSR 70-15.010(3)(B).

15. Other operating revenues—The other operating revenue is total other revenue less government appropriations, less donations, and less income from investments times the trend indices listed in 13 CSR 70-15.010(3)(B).

*AUTHORITY: section 208.201, RSMo Supp. 2013, section 208.453, RSMo Supp. 2014, and section 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 20, 2016, effective July 1, 2016, expires Dec. 27, 2016. Amended: Filed June 23, 2016.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately three million six-hundred thousand (\$3.6 million) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately nineteen million one-hundred thousand (\$19.1 million) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 15 - Hospital Program

Rule Number and Title:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Hospitals which provide health care services in Missouri that are owned or controlled by the state, counties, cities, or hospital districts	Estimated cost for SFY 2017 \$3.6 million

III. WORKSHEET

	No. of Facilities	Inpatient Revenues	Outpatient Revenues	Total
Public Facilities Revenues	42	\$1,468,857,240	\$1,491,541,028	\$2,960,398,268
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment without Trend		\$87,397,006	\$88,746,691	\$176,143,697
Revenue Trend for SFY 2017		0.00%	4.10%	
Total Revenues Trended		\$1,468,857,240	\$1,552,694,210	\$3,021,551,450
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment with Trend		\$87,397,006	\$92,385,305	\$179,782,311
Impact of Trend (Assessment with trend less Assessment without trend)				\$3,638,614
Prior SFY Total Assessment using Prior Year Methodology				\$180,181,769
Increase of Total Assessment over Prior SFY				(\$399,458)

IV. ASSUMPTIONS

This fiscal note reflects the total assessment to be collected during SFY 2017 of approximately \$180 million and is a decrease of approximately \$399,458 from SFY 2016. The impact of the 4.1% trend on outpatient revenues is approximately \$3.6 million.

The fiscal note is based on establishing the FRA assessment rate at 5.95% and a trend of 4.1% on outpatient revenues effective for dates of service beginning July 1, 2016. The FRA assessment rate of 5.95% is levied upon Missouri hospitals' trended, inpatient and outpatient net adjusted revenue in accordance with the Missouri Partnership Plan.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 15 – Hospital Program

Rule Number and Title:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
103	Hospitals	Estimated cost for SFY 2017 \$19.1 million

III. WORKSHEET

	No. of Facilities	Inpatient Revenues	Outpatient Revenues	Total
Private Facilities Revenues	103	\$7,582,772,372	\$7,829,090,151	\$15,411,862,523
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment without Trend		\$451,174,956	\$465,830,864	\$917,005,820
Revenue Trend for SFY 2017		0.00%	4.10%	
Total Revenues Trended		\$7,582,772,372	\$8,150,082,847	\$15,732,855,219
FRA Assessment Rate		5.95%	5.95%	5.95%
Total Assessment with Trend		\$451,174,956	\$484,929,929	\$936,104,886
Impact of Trend (Assessment with trend less Assessment without trend)				\$19,099,066
Prior SFY Total Assessment using Prior Year Methodology				\$907,342,387
Increase of Total Assessment over Prior SFY				\$28,762,499

IV. ASSUMPTIONS

This fiscal note reflects the total assessment to be collected during SFY 2017 of approximately \$936.1 million and is an increase of approximately \$28.8 million from SFY 2016. The impact of the 4.1% trend on outpatient revenues is approximately \$19.1 million.

The fiscal note is based on establishing the FRA assessment rate at 5.95% and a trend of 4.1% on outpatient revenues effective for dates of service beginning July 1, 2016. The FRA assessment rate of 5.95% is levied upon Missouri hospitals' trended, inpatient and outpatient net adjusted revenue in accordance with the Missouri Partnership Plan.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 1—Organization and Description**

PROPOSED AMENDMENT

14 CSR 80-1.010 General Organization. The board is amending section (3).

PURPOSE: This amendment updates the location of the Board of Probation and Parole.

(3) For information concerning the Board of Probation and Parole the public may write to [1511 Christy Drive] **3400 Knipp Drive**, Jefferson City, MO [65101] **65109**, or visit the web site www.doc.mo.gov/division/prob/prob.

AUTHORITY: section 217.690, RSMo Supp. [2007] **2013**, and sections 217.720, 217.755, and 217.810, RSMo 2000. This rule was previously filed as 13 CSR 80-1.010. Original rule filed May 13, 1976, effective Nov. 11, 1976. Amended: Filed Sept. 5, 2007, effective March 30, 2008. Amended: Filed June 20, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Corrections, State Board of Probation and Parole, Ellis McSwain Jr., Chairman, 3400 Knipp Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RESCISSION

20 CSR 2150-2.001 Definitions. This rule defined terms used in this chapter and in Chapter 334, RSMo.

PURPOSE: This rule is being rescinded and readopted to include additional terms defined by the board.

AUTHORITY: sections 334.045, 334.046, 334.090 and 334.125, RSMo 2000 and 334.100, RSMo Supp. 2006. This rule originally filed as 4 CSR 150-2.001. Original rule filed Jan. 19, 1988, effective April 15, 1988. Amended: Filed April 15, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Moved to 20 CSR 2150-2.001, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008. Rescinded: Filed June 29, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.001 Definitions

PURPOSE: This rule defines terms used in Chapter 334, RSMo, and this chapter.

(1) American Specialty Board—any specialty board formally recognized by the American Board of Medical Specialties or the American Osteopathic Association.

(2) Applicant—a person applying for a license as a physician and surgeon or an assistant physician pursuant to Chapter 334, RSMo, and these rules.

(3) Approved medical school—a medical school accredited by the Liaison Commission on Medical Education of the American Medical Association, the American Osteopathic Association's Commission on Osteopathic College Accreditation, or that appears in the World Directory of Medical Schools or its successor.

(4) Board approved medical licensing examination—the United States Medical Licensing Examination (USMLE), or its successor, or the Comprehensive Osteopathic Medical Licensing Exam (COMLEX), or its successor.

(5) Collaborative practice arrangement—written agreements, jointly agreed upon protocols or standing orders, all of which shall be in writing, for the delivery of health care services.

(6) Emergency situation—a situation in which medical care is required to prevent loss of life or to mitigate injury and which does not arise in the course of a person's usual employment.

(7) Expired—a license that is not renewed by its expiration date.

(8) Extenuating circumstances—the circumstances under which an ordinary prudent person would not have timely renewed his or her license. Failure to receive a renewal notice is not an extenuating circumstance.

(9) Hospitals approved by the board—all hospitals who are part of a residency training program approved and accredited to teach graduate medical education by the Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association.

(10) Licensee—a person who holds a physician and surgeon or assistant physician license issued pursuant to Chapter 334, RSMo.

(11) Medically underserved area—

(A) An area in this state with a medically underserved population;

(B) An area in this state designated by the United States Secretary of Health and Human Services as an area with a shortage of personal health services;

(C) A population group designated by the United States Secretary of Health and Human Services as having a shortage of personal health services;

(D) An area designated under state or federal law as a medically underserved community; or

(E) An area that the Department of Health and Senior Services considers to be medically underserved based on relevant demographic, geographic, and environmental factors.

(12) Notarized—attested to in front of a notary public properly commissioned by the jurisdiction where the notary occurred.

(13) Official translation—a translation by a professor of a language department in a college or university in the United States, or by the United States Embassy or Consulate in a foreign country. The translator must include documentation certifying that the document is a true translation to the best of their knowledge, that they are fluent in the original language and qualified to translate the document into English. The translator must sign the translation and print their name and address on the translation.

(14) Population-based public health services—health services provided to well patients or to those with narrowly circumscribed conditions in public health clinics or community health settings that are limited to immunizations, well-child care, human immunodeficiency virus (HIV) and sexually transmitted disease care, family planning, tuberculosis control, cancer and other chronic diseases, wellness screenings, services related to epidemiologic investigations, and prenatal care.

(15) Primary care—physician services in family practice medicine, general practice, internal medicine, pediatrics, obstetrics, or gynecology. This shall not include surgery other than minor office based procedures.

(16) Telehealth—means the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient.

(17) Timely pay—any license renewal fee received by the board prior to the licensure expiration date. Renewal forms postmarked by the post office February 1 or after will be considered delinquent, however, should January 31 fall on a Saturday, Sunday or legal holiday, renewal forms postmarked by the post office on the next business day will not be considered delinquent.

(18) Void—a license that becomes void upon the occurrence of events specified by rule. A void license may not be renewed or reactivated. A void license does not give authority for the person holding the license to practice his or her profession.

AUTHORITY: sections 334.045 and 334.046, *RSMo* 2000, sections 334.090 and 334.100, *RSMo Supp.* 2013, and sections 334.036, 334.038, and 334.125, *RSMo Supp.* 2014. This rule originally filed as 4 CSR 150-2.001. Original rule filed Jan. 19, 1988, effective April 15, 1988. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed June 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2150—State Board of Registration for the Healing Arts

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.045 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the board of name and address changes.

(1) Licensees must submit written notification of any address change to the board within fifteen (15) days of such occurrence.

(2) Licensees whose names have changed since licensure was issued must submit a copy of the legal document verifying the name change to the board, within fifteen (15) days of such occurrence.

AUTHORITY: sections 334.036 and 334.125, *RSMo Supp.* 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-three thousand one hundred eighty-five dollars (\$23,185) to twenty-seven thousand six hundred eighty-five dollars (\$27,685) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand two hundred seventy-five dollars (\$1,275) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.045 Name and Address Changes

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs	
State Board of Registration for the Healing Arts		\$23,185.00
		to
		\$27,685.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$23,185.00
		to
		\$27,685.00

III. WORKSHEET

Name and address changes are received and processed by Processing Technicians in the Licensure Section. Following the data entry into the licensing system, the documentation is prepared for permanent retention in the Board's electronic files.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER REQUEST (IN MINUTES)	COST PER REQUEST	NUMBER OF ITEMS	TOTAL COST
Processing Technician I	\$24,024	\$36,896	\$17.74	\$0.30	30	\$9.00	2,500	\$22,500.00
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$10.80		\$27,000.00
					Personal Service Costs			\$22,500.00 to \$27,000.00

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	500	\$325.00
License Printing and Postage	\$0.72	500	\$360.00
Expense and Equipment Costs			\$685.00

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing and address changes. The total cost was based on the cost name and address change multiplied by the estimated number of requests received.
2. The board expects that they will process 2500 change of name and address forms under this new rule and 500 will require the Board to print and mail a license with updated information. Therefore, the costs are shown here.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional
 Division 2150 - State Board of Registration for the Healing Arts
 Chapter 2 - Licensing of Physicians and Surgeons
 Proposed Rule - 20 CSR 2150-2.043 Name and Address Changes

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
500	Name and Address Changes (Copy of name change document @ \$.10)	\$50.00
2500	Name and Address Changes (Postage to mail change form and supporting document(s) @ \$.49)	\$1,225.00
Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%		\$1,275.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The numbers reported are based on FY15 actuals. However, the estimated number may vary as the Board will also accept address changes via email or fax, which will reduce the cost of compliance for private entities.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RESCISSION

20 CSR 2150-2.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts is authorized to collect in administering Chapter 334, RSMo.

PURPOSE: This rule is being rescinded and readopted in a format that is more understandable and user friendly.

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed June 29, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.080 Fees

PURPOSE: This rule establishes the various fees which the State Board of Registration for the Healing Arts is authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board is directed to set, by rule, the amount of the fees which the chapter authorizes not to exceed the cost and expense of administering the chapter.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Assistant Physician

- | | |
|-------------------------------|-------|
| 1. Licensure Fee | \$300 |
| 2. Renewal Fee | \$135 |
| 3. Prescriptive Authority Fee | \$ 50 |

(B) Contiguous State License

- | | |
|------------------|-------|
| 1. Licensure Fee | \$ 30 |
| 2. Renewal Fee | \$ 30 |

(C) General Fees

- | | |
|---|-------|
| 1. Continuing Medical Education Extension Fee | \$ 50 |
| 2. Late Renewal Fee | \$ 50 |
| 3. Duplicate License Fee | \$ 0 |
| 4. Endorsement of State Test Scores | \$ 50 |
| 5. Returned Check Fee | \$ 25 |
| 6. Verification of Licensure Fee | \$ 0 |

(D) Limited License

- | | |
|------------------|-------|
| 1. Licensure Fee | \$ 25 |
| 2. Renewal Fee | \$ 50 |

(E) Permanent Physician

- | | |
|----------------------|-------|
| 1. Licensure Fee | \$300 |
| 2. Reinstatement Fee | \$300 |
| 3. Renewal Fee | \$135 |

(F) Temporary Physician

- | | |
|------------------------------|-------|
| 1. Temporary License Fee | \$ 30 |
| 2. Conditional Temporary Fee | \$ 30 |
| 3. Renewal Fee | \$ 30 |

(G) Visiting Professor

- | | |
|------------------|-------|
| 1. Licensure Fee | \$150 |
| 2. Renewal Fee | \$ 75 |

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.090.2, RSMo Supp. 2013, and sections 334.036 and 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-2.080. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed June 29, 2016.

PUBLIC COST: This proposed rule will increase revenue for state agencies or political subdivisions approximately three million, nine hundred fifty-four thousand nine hundred thirty dollars (\$3,954,930) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three million, nine hundred fifty-four thousand nine hundred thirty dollars (\$3,954,930) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 2 - Licensing of Physicians and Surgeons****Proposed Rule - 20 CSR 2150-2.080 Fees****II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Revenue	
State Board of Registration for the Healing Arts		\$3,954,930
	Estimated Annual Cost of Compliance for the Life of the Rule with an Projected Annual Increase of 3%	\$3,954,930

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The estimated revenue is based on the costs reflected in the Private Entity Fiscal Note filed with this rescission and readoption.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.080 Fees

II. SUMMARY OF FISCAL IMPACT

Annual Costs

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
121	Assistant Physician (License Fee @ \$300)	\$36,300
121	Assistant Physician (Prescriptive Authority Fee @ \$50)	\$6,050
121	Assistant Physician (Renewal Fee @ \$300)	\$36,300
137	Contiguous State License (Licensure Fee @ \$30)	\$4,110
163	Contiguous State License (Renewal Fee @ \$30)	\$4,890
5	Continuing Medical Education Extension Fee (Extension Fee @ \$50)	\$250
14	Late Renewal Fee (Late Fee - 1 Year Late @ \$50)	\$700
16	Late Renewal Fee (Late Fee - 2 Years Late @ \$50)	\$1,600
16	Endorsement of State Test Scores (Endorsement Fee @ \$50)	\$800
5	Returned Check Fee (Check Fee @ \$25)	\$125
26	Limited License (Licensure Fee @ \$25)	\$650
5	Limited License Renewal (Renewal Fee @ \$50)	\$250
1,339	Permanent Physician (License Fee @ \$300)	\$401,700
300	Permanent Physician (Reinstatement Fee @ \$300)	\$90,000

24,206	Permanent Physician (Renewal Fee @ \$135)	\$3,267,810
872	Temporary Physician (Temporary License Fee @ \$30)	\$26,160
55	Temporary Physician (Conditional Temporary Fee @ \$30)	\$1,650
2,467	Temporary Physician (Renewal Fee @ \$30)	\$74,010
7	Visiting Professor (Licensure Fee @ \$150)	\$1,050
7	Visiting Professor (Renewal Fee @ \$75)	\$525
Estimated Annual Cost of Compliance for the Life of the Rule with an Projected Annual Increase of 3%		\$3,954,930

1. The estimated number of affected entities is based on the Board's FY15 actuals and FY16 budget projections.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 334.001 to 334.950, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.001 to 334.950, RSMo at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 334.001 to 334.950, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.200 Assistant Physician—Application for Licensure

PURPOSE: The rule establishes the process to apply for an assistant physician license.

(1) An applicant for an assistant physician license shall submit a completed application form approved by the board. The application form shall include at least the following:

- (A) Name of the applicant and any former names used;
- (B) Date of birth of the applicant;
- (C) Gender of applicant;

(D) The applicant's Social Security number. If applicant does not have a Social Security number then the applicant shall supply visa or passport identification number;

(E) Answers to questions regarding the applicant's moral character, professional background, and fitness to practice;

(F) A statement of activities from graduation of professional school to the present or from the last ten (10) years to the present, whichever is less; and

(G) A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a license is granted, that the applicant understands that he or she cannot practice unless and until a license is granted, and he or she has entered into a collaborative practice agreement.

(2) Applicants applying for licensure shall submit the following:

- (A) Completed application;
- (B) Appropriate licensure fee as defined in 20 CSR 2150-2.080;
- (C) Proof that the applicant is a resident and citizen of the United States or is a legal resident alien. This proof shall include:

- 1. A birth certificate or United States passport; or
- 2. A visa or other United States government document evidencing legal resident status;

(D) Proof that the applicant has passed step 2 or level 2 of a board approved medical licensing examination within the two (2) year period immediately preceding application for licensure as an assistant physician, but in no event more than three (3) years after graduation from medical college or osteopathic medical college. However, if the applicant was serving as a resident physician in a residency program accredited by the Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association in the United States within thirty (30) days of filing his or her application for an assistant physician license, the two- (2-) year time period shall not apply;

(E) Proof of competency as an assistant physician, which shall include, but not be limited to:

- 1. A self-query from the National Practitioner's Databank, or its successor agency;

- 2. Proof of graduation from an approved medical school in the form of either a copy of the diploma or an official transcript;

- 3. Examination and Board Action History Report (EBAHR) from the Federation of State Medical Boards. This may be obtained by contacting the Federation of State Medical Boards (FSMB) at fsmb.org. FSMB will make the report available to the board;

- 4. If not contained in the EBAHR, the applicant shall cause a certified copy of his or her exam scores demonstrating passage of steps 1 and 2 of a board-approved medical licensing exam to be submitted to the board;

5. If the applicant has participated in any post-graduate training program, a post-graduate reference letter signed by the current director of that program submitted directly to the board and on the form provided by the board, if applicable; and

6. Proof of hospital affiliation from each hospital where the applicant has held admitting privileges in the last ten (10) years on a form approved by the board or by causing the hospital to send a letter to the board containing the dates the applicant had admitting privileges at that hospital and whether there was ever any adverse action taken against those privileges, including, but not limited to, revocation, suspension, or limitation of privileges or if the applicant ever resigned privileges while under investigation;

(F) If the applicant's name is not the same as that which appears on the above mentioned records, evidence of the name change, which may include a copy of a marriage certificate, divorce decree, adoption order, other court order or naturalization certificate;

(G) In addition to the other requirements of this rule, graduates from any medical or osteopathic school outside the United States shall submit the following:

- 1. Proof of licensure in the country the applicant attended medical school, if applicable; and

- 2. A certificate from the Educational Commission on Foreign Medical Graduates (ECFMG); and

(H) Verification of any licensure, registration, or certification in this state, any other state, territory, or country in which the applicant has ever held a professional license. Verification must be received directly from the licensing agency and must include the type of license, registration or certification, the issue and expiration dates, and information concerning any disciplinary or investigative actions. If a licensing agency refuses or fails to provide verification, the board may consider other evidence of licensure.

(3) If any of the documents required by this rule are in a language other than English, the applicant shall provide an official translation, as defined in 20 CSR 2150-2.001, along with a copy of the original document.

(4) The applicant shall submit statement(s) and supporting documentation to supplement their application, including, but not limited to:

- (A) If any professional license held by the applicant has ever been disciplined, the applicant shall submit documentation of the disciplinary action such as a settlement agreement, order, judgment or consent order, and a statement from him or her describing the circumstances of the discipline;

- (B) If any civil suit for medical malpractice, medical negligence, wrongful death, or any similar action has ever been filed against the applicant, he or she shall submit a copy of the initiating document (petition or complaint) and documentation of the outcome of the case (judgment or dismissal) or if the case was settled, a letter stating that the case was settled and a statement from the applicant explaining the circumstances of the case;

- (C) If the applicant has ever been arrested for a crime (including any municipal ordinance violations), he or she shall submit any documentation regarding that arrest, including a summons or police report and a statement from the applicant explaining the circumstances;

- (D) If the applicant has ever been charged with or convicted of a crime, including any municipal ordinance violations, he or she shall submit a copy of the charging document (information, complaint, indictment, or petition) and a copy of the dismissal or judgment and sentence and a statement from the applicant explaining the circumstances;

- (E) If the applicant has been diagnosed with or undergone treatment for substance abuse, dependence, or for any physical or mental disorder which impaired his or her ability to practice medicine, he or she shall submit a description of the circumstances leading to the diagnosis or treatment and a letter from a treatment provider stating that he or she is currently fit to practice medicine;

(F) If the applicant has ever had any adverse action taken against his or her privileges at any hospital, including, but not limited to, revocation, suspension, or limitation of privileges or if the applicant ever resigned privileges while under investigation, he or she shall submit a description of the circumstances and any available documentation, including, but not limited to, a letter from the hospital indicating the final action taken; and

(G) Any other documentation specifically requested by the board.

(5) All applicants shall take and pass a twenty (20) question jurisprudence test regarding the rules and statutes governing assistant physicians in Missouri. Seventy-five percent (75%) shall be considered a passing score. If an applicant fails the test, he or she may retake the test. The test may be administered through an on-line service or via a traditional paper exam. It is cause to discipline pursuant to section 334.100.2(6), RSMo, for the assistant physician to fail to complete the exam.

(6) Any application for an assistant physician license may be denied by the board for one (1) of the following causes singularly or in combination:

(A) Failure to meet any requirement of Chapter 334, RSMo, or 20 CSR 2150-2.200 through 20 CSR 2150-2.270;

(B) Failure to demonstrate good moral character; or

(C) Any cause listed in section 334.100, RSMo.

(7) If the board denies an assistant physician application for licensure, the applicant may appeal to the Administrative Hearing Commission as set forth in section 334.100, RSMo, and Chapters 536 and 621, RSMo.

(8) The applicant may withdraw the application prior to the board's final decision.

(9) All fees submitted to the board are non-refundable and will be retained by the board.

(10) The board may require the applicant for licensure to make a personal appearance before a final decision regarding licensure is rendered.

(11) Any person practicing as an assistant physician without a current license shall be subject to discipline under section 334.100, RSMo, or subject to the injunction procedures of section 334.230, RSMo.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty thousand seven hundred twenty-one dollars and eighty-two cents (\$20,721.82) to twenty-six thousand two hundred eighty-nine dollars and eighty-three cents (\$26,289.83) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately thirty thousand one hundred forty-three dollars and fifty-two cents (\$30,143.52) to forty-two thousand six hundred six dollars and fifty-two cents (\$42,606.52) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri

*Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.200 Assistant Physician - Application for Licensure

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$20,721.82
	to
	\$26,289.83
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%
	\$20,721.82 to \$26,289.83

III. WORKSHEET

The Processing Technicians provide technical support, process applications for licensure, and respond to inquiries related to the licensure law and/or rules and regulations. The administrative support coordinator reviews each application for licensure and provides guidance to the Processing Technicians. The principle assistant reviews applications in question and serves as a resource for applicants and licensees. Legal counsel provides legal assistance to the board and staff; as well as, provides litigation services on behalf of the Board.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Principle Assistant	\$58,815	\$90,328	\$43.43	\$0.72	5 - 15	\$3.60	121	\$435.60
	to	to	to	to		to		to
	\$61,148	\$93,911	\$45.15	\$0.75		\$11.25		\$1,361.25
Administrative Support Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	5 - 15	\$2.30	121	\$278.30
	to	to	to	to		to		to
	\$39,624	\$60,855	\$29.26	\$0.49		\$7.35		\$889.35
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	120	\$34.80	121	\$4,210.80
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$43.20		\$5,227.20
Legal Counsel (responding to questions)	\$54,075	\$83,048	\$39.93	\$0.67	5 - 15	\$3.35	121	\$405.35
	to	to	to	to		to		to
	\$58,299	\$89,536	\$43.05	\$0.72		\$10.76		\$1,302.26
Legal Counsel (denial of licensure)	\$54,075	\$83,048	\$39.93	\$0.67	15 - 30	\$10.05	80	\$804.00
	to	to	to	to		to		to
	\$58,299	\$89,536	\$43.05	\$0.72		\$21.60		\$1,728.00
Legal Counsel (litigating appeals)	\$54,075	\$83,048	\$39.93	\$0.67	330 - 390	\$221.10	20	\$4,422.00
	to	to	to	to		to		to
	\$58,299	\$89,536	\$43.05	\$0.72		\$280.80		\$5,616.00
Personal Service Costs								\$10,556.05 to \$16,124.06

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	121	\$78.65
License Printing and Postage	\$0.72	121	\$87.12
Expense and Equipment Costs			\$165.77

General Revenue Transfer Costs

Administrative Hearing Commission	\$500.00	20	\$10,000.00
General Revenue Transfer Costs			\$10,000.00

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The board anticipates a 3% increase in the number of applicants affected by this rule annually.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.200 - Assistant Physician - Application for Licensure

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
121	Applicants for Licensure (Postage @ \$1.12)	\$135.52
121	Applicants for Licensure (Notary @ \$2)	\$242.00
121	Applicants for Licensure (Transcript @ \$10)	\$1,210.00
121	Applicants for Licensure (Verification @ \$10)	\$3,025.00
121	Applicants for Licensure (Copies of Supporting Documents for 10 to 40 pages @ \$.10)	\$121.00 to \$484.00
121	Applicants for Licensure (FSMB Score Transcript @ \$70)	\$8,470.00
121	Applicants for Licensure (National Practitioner's Databank Self Query @ \$5)	\$605.00
121	Applicants for Licensure (ECFMG Certification @ \$35)	\$4,235.00
121	Applicants for Licensure (Translation of Documents @ \$100 to \$200)	\$12,100.00 to \$24,200.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$30,143.52 to \$42,606.52

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The projected number of assistant physician licenses is based on the estimates reported in the legislative fiscal note filed for Senate Bills 716 and 754 (2014). The board anticipates a 3% increase in the number of applicants annually.
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. It is anticipated that many of the applicant will be graduates of foreign medical programs. Transcripts fees were estimated at \$10 per applicant for the purposes of this fiscal note. however, the fees to obtain transcripts may vary.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.210 Assistant Physician License Renewal

PURPOSE: This rule provides information to assistant physicians in Missouri regarding renewal of licensure.

(1) Renewal of an Unexpired License.

(A) The board shall mail an application for renewal to each person licensed in this state as an assistant physician at the last known address. The failure to mail the application or failure to receive it does not relieve any licensee of the duty to renew and to pay the fee required nor provide exemption from the penalties provided for failure to renew.

(B) An applicant for a license renewal shall submit a completed application form approved by the board. The application form shall include at least the following:

1. Name of the applicant;
2. Current address, telephone number, and email address;
3. If this is the applicant's first renewal, and if not provided at the time of original licensure, the applicant shall provide his or her Social Security number;
4. Answers to questions regarding the applicant's moral character, professional background, and fitness to practice;
5. The name of the assistant physician's collaborating physician;
6. Attestation that the licensee has obtained continuing education in accordance with 20 CSR 2150-2.230;
7. Attestation that the licensee has been engaged in practice under collaborative practice arrangement in accordance with section 334.036.6, RSMo, during the last year; and
8. A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a renewal is granted, and that the applicant understands that he or she cannot practice after the date of expiration unless and until the license is renewed.

(C) A license shall be renewed on or before the expiration of a license by submitting—

1. Completed renewal application;
2. The fee as established in 20 CSR 2150-2.080; and
3. Evidence of name and address change if applicable. If it is a name change, evidence may include a copy of marriage certificate, divorce decree, adoption order, other court order, or naturalization certificate. Address change includes home and all business addresses.

(D) Renewal application forms postmarked February 1 or after will be considered delinquent, however, should January 31 fall on a Saturday, Sunday, or legal holiday, renewal forms postmarked on the next business day will not be considered delinquent.

(2) Renewal of a License Expired for Less Than Six (6) Months.

(A) If the licensee fails to renew their license by January 31 of each year, the license shall be considered expired.

(B) A licensee may renew a license which has been expired for less than six (6) months by submitting a late renewal application form approved by the board. The late renewal application form shall include at least the following:

1. Name of the applicant;
2. Current address, telephone number, and email address;
3. If this is the applicant's first renewal, and if not provided at the time of original licensure, the applicant shall provide their Social Security number;
4. Answers to questions regarding the applicant's moral charac-

ter, professional background, and fitness to practice;

5. The name of the assistant physician's collaborating physician;

6. Attestation that the licensee has obtained continuing education in accordance with 20 CSR 2150-2.230; and

7. A signed and notarized statement attesting that the application is true, that the applicant has a duty to supplement the information if it changes before a renewal is granted, and that the applicant understands that he or she cannot practice unless and until a renewal is granted.

(C) A license which has been expired for less than six (6) months may be renewed by submitting—

1. Completed late renewal application;
2. The renewal fee and late renewal fee as established in 20 CSR 2150-2.080;

3. Satisfactory evidence of compliance with the continuing professional education requirements as required by the board pursuant to 20 CSR 2150-2.230;

4. A statement of activities from the license expiration date to the present; and

5. Evidence of name and address change if applicable. If it is a name change, evidence may include a copy of marriage certificate, divorce decree, adoption order, other court order, or naturalization certificate. Address change includes home and all business addresses.

(3) Renewal of an Expired License for More than Six (6) Months.

(A) A license that has been expired for more than six (6) months shall not be renewed. Individuals who have an expired license who wish to obtain a new license will be required to meet the licensure requirements as provided in section 334.036, RSMo, 20 CSR 2150-2.200, and any other applicable statute or rule.

(4) Any application for a renewal or late renewal of an assistant physician license may be denied by the board for one (1) of the following causes singularly or in combination:

(A) Failure to meet any requirement of Chapter 334, RSMo, or 20 CSR 2150-2.200 through 20 CSR 2150-2.270;

(B) Failure to demonstrate good moral character; or

(C) Any cause listed in section 334.100, RSMo.

(5) If the board denies an assistant physician application for renewal or late renewal, the applicant may appeal to the Administrative Hearing Commission as set forth in section 334.100, RSMo, and Chapters 536 and 621, RSMo.

(6) The licensee may withdraw the renewal application prior to the board's determination.

(7) All fees submitted to the board are non-refundable and will be retained by the board.

(8) Any person practicing as an assistant physician without a current license shall be subject to discipline under section 334.100, RSMo, or subject to the injunction procedures of section 334.230, RSMo.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand one hundred seventy-one dollars and twenty-five cents (\$4,171.25) to five thousand four hundred twenty-one dollars and twenty-five cents (\$5,421.25) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred thirty-six dollars and twenty-five cents

(\$136.25) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	15	\$4.35	125	\$543.75
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$5.40		\$675.00
Administrative Support Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	45	\$20.70	125	\$2,587.50
	to	to	to	to		to		to
	\$39,624	\$60,855	\$29.26	\$0.49		\$22.05		\$2,756.25
Principle Assistant	\$58,815	\$90,328	\$43.43	\$0.72	5	\$3.60	125	\$450.00
	to	to	to	to		to		to
	\$61,148	\$93,911	\$45.15	\$0.75		\$3.75		\$468.75
Legal Counsel (questions)	\$54,075	\$83,048	\$39.93	\$0.67	5 to 15	\$3.35	125	\$418.75
	to	to	to	to		to		to
	\$58,299	\$89,536	\$43.05	\$0.72		\$10.80		\$1,350.00
					Personal Service Costs			\$4,000.00
								\$5,250.00

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	125	\$81.25
License Printing and Postage	\$0.72	125	\$90.00
Expense and Equipment Costs			\$171.25

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per renewal application multiplied by the estimated number of renewal applications.
2. It is anticipated that the total cost will recur annually for the life of the rule. The board estimates a 3% annual growth rate in the number of applicants. These costs may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 2 - Licensing of Physicians and Surgeons****Proposed Rule - 20 CSR 2150-2.210 License Renewal****II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
100	Application for Renewal (Postage @ \$0.49)	\$49.00
25	Application for Late Renewal (Postage @ \$0.49)	\$12.25
25	Application for Late Renewal (Notary @ \$2)	\$50.00
25	Application for Late Renewal (Supporting Documents 10 @ \$.10)	\$25.00
Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%		\$136.25

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately 125 assistant physicians will renew annually. The board anticipates a 3% increase in the number of renewal applicants annually.
2. Costs associated with mailing may be reduced if applicants renew their license via the online portal offered by the Division.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.220 Assistant Physician Inactive Status

PURPOSE: This rule provides the requirements assistant physicians must follow to request inactive status.

(1) Any assistant physician may request that his or her license be put on inactive status by filling out an Inactive Status form provided by the board. The application form shall include at least the following:

- (A) Name of the applicant;
- (B) Current address, telephone number, and email address;
- (C) If not provided at the time of original licensure, the applicant shall provide his or her Social Security number;
- (D) The name of the assistant physician's collaborating physician; and
- (E) A statement that the assistant physician acknowledges that he or she can no longer practice.

(2) To reactivate any license that has been placed on inactive status for less than six (6) months, the licensee must follow the provisions of 20 CSR 2150-2.210(2).

(3) If an assistant physician license is on inactive status for six (6) months or more, it shall be expired and may not be reinstated or renewed.

AUTHORITY: section 324.039, RSMo Supp. 2013, sections 334.036 and 334.125, RSMo. Supp. 2014, and section 334.045, RSMo 2000. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately sixty-eight dollars and fifty cents (\$68.50) to eighty dollars (\$80) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five dollars and forty-seven cents (\$5.47) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.220 Inactive Status

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$68.50
	to
	\$80.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of
	\$68.50 to \$80.00

III. WORKSHEET

The Processing Technicians provide technical support, process requests for inactive licenses and respond to inquiries related to the licensure law and/or rules and regulations. The Executive I provides support services to the board and principle assistant.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Executive I	\$29,976	\$46,037	\$22.13	\$0.37	5	\$1.85	10	\$18.50
	to	to	to	to		to		to
	\$31,512	\$48,396	\$23.27	\$0.39		\$1.95		\$19.50
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	15	\$4.35	10	\$43.50
	to	to	to	to		to		to
Processing	\$29,496	\$45,300	\$21.78	\$0.36		\$5.40		\$54.00
								\$62.00
								to
Personal Service Costs								\$73.50

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	10	\$6.50
Expense and Equipment Costs			\$6.50

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of the applications for inactive status. The total cost was based on the cost per application multiplied by the estimated number of applications for inactive status.
2. It is anticipated that the total cost will recur annually for the life of the rule. The board estimates a 3% annual growth rate in the number of applicants. These costs may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.220 Inactive Status

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Applicants for Inactive License (Postage @ \$0.49)	\$0.98
2	Applicants for Inactive License (Notary @ \$2.00)	\$4.00
1	Applicants for Reactivation of License (Postage @ \$0.49)	\$0.49
	Estimated Annual Cost of Compliance During the Fifth Year of Implementation of the Rule	\$5.47

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately two (2) assistant physicians will apply for inactive status beginning five (5) years after implementation of the rule. The board estimates that one (1) assistant physician will apply for reactivation annually thereafter.
2. Beginning five (5) years after implementation of the rule, it is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.230 Assistant Physician—Continuing Education

PURPOSE: This rule details the minimum requirements for continuing education.

(1) Each assistant physician shall complete and attest that he or she has completed at least one hundred (100) hours of continuing medical education every two (2) years. The reporting period shall end December 31 of the odd numbered year.

(2) In order to count toward the required one hundred (100) hours, the continuing education shall be accredited by the American Medical Association (AMA) as Category 1; or by the American Academy of Family Physicians (AAFP) or the American Osteopathic Association (AOA) as Category 1-A or 2-A; or offered by a residency program or hospital-approved by Accreditation Counsel on Graduate Medical Education (ACGME) of the American Medical Association or the Education Committee of the American Osteopathic Association (AOA).

(3) All courses completed may only count toward fulfilling the requirement for one (1) reporting period.

(4) Each licensee shall retain records documenting their attendance at and completion of the required continuing medical education for a minimum of three (3) years after the reporting period in which the continuing medical education was completed. The records shall document the—

- (A) Titles of the courses taken;
- (B) Dates;
- (C) Locations;
- (D) Course sponsors;
- (E) Category of hours earned; and
- (F) Number of hours earned.

(5) The board may conduct an audit of licensees to verify compliance with the continuing medical education requirement.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred seventy-four dollars and twenty-five cents (\$474.25) to five hundred eight dollars and seventy-five cents (\$508.75) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three hundred two thousand five hundred thirty dollars and sixty cents (\$302,530.60) to three hundred two thousand five hundred fifty-five dollars and sixty cents (\$302,555.60) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board

of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.280 Assistant Physicians - Continuing Education

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs	
State Board of Registration for the Healing Arts		\$474.25
		to \$508.75
	Total Biennial Cost of Compliance for the Life of the Rule with a Projected Biennial Increase of 3%	\$474.25 to \$508.75

III. WORKSHEET

The processing technicians provide technical support, process submission of CMEs, review request for extensions and respond to inquiries related to the licensure law and/or rules and regulations. The administrative coordinator prepare forms for the CME audit and reviews/approves all requests for extensions. The information support coordinator initiates the data pull for selection of licensee to be audits, prepares the data base and notifications sent to the licensee.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL.	NUMBER OF ITEMS	TOTAL COST
Administrative Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	30	\$13.80	5	\$69.00
	\$39,624	\$60,855	\$29.26	\$0.49		\$14.70		\$73.50
Information Support Coordinator	\$28,104	\$43,162	\$20.75	\$0.35	180	\$63.00	5	\$315.00
	\$29,496	\$45,300	\$21.78	\$0.36		\$64.80		\$324.00
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	60	\$17.40	5	\$87.00
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$21.60		\$108.00
					Personal Service Costs			\$471.00 to \$505.50

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	5	\$3.25
Expense and Equipment Costs			\$3.25

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on reviewing continuing education documents. The total cost was based on the cost per CME audit multiplied by the estimated number of licensees being audited.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.230 Assistant Physicians - Continuing Education

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
121	Assistant Physician (Continuing Education 100 hours/every 2 years @ an average of \$25 per hour)	\$302,500
5	CME Audit (Postage @ \$1.12)	\$5.60
5	CME Audit (Supporting Documents 50 to 100 pages @ \$.10)	\$25.00 to \$50.00
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$302,530.60 to \$302,555.60

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Licensed assistant physicians are required to meet the continuing education requirement as a requirement for state licensure. The board estimates each unit will cost licensees approximately \$25 per unit. However, licensees may have the opportunity to attend some seminars, conferences or workshops at no cost. This fiscal note does not include estimates for travel, meal reimbursement, or lodging due to the variance in expenses, the geographic location of licensees and the potential availability of online courses.
2. The board anticipates that approximately 5 assistant physicians will be audited biennially to determine if they have met the requirements of continuing medical education.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

**20 CSR 2150-2.240 Assistant Physician Collaborative Practice
Agreements**

PURPOSE: In accordance with section 334.036, RSMo, this rule defines collaborative practice arrangement terms.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Geographic areas.

(A) The collaborating physician in a collaborative practice arrangement with an assistant physician shall not be so geographically distanced from the collaborating assistant physician as to create an impediment to effective collaboration in the delivery of health care services or the adequate review of those services.

(B) The following shall apply in the use of a collaborative practice arrangement by an assistant physician who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons:

1. If the collaborating physician and assistant physician are utilizing telehealth in providing services in a medically underserved area no mileage limitation shall apply; or

2. If the assistant physician is not utilizing telehealth in providing services the collaborating physician, or other physician designated in the collaborative practice arrangement, shall be no further than fifty (50) miles by road, using the most direct route available, from the collaborating assistant physician.

(C) An assistant physician who desires to enter into a collaborative practice arrangement at a location where the collaborating physician is not continuously present shall practice together at the same location with the collaborating physician continuously present for a period of at least one (1) month before the collaborating assistant physician practices at a location where the collaborating physician is not present. During this one (1) month period, the collaborating physician must review one hundred percent (100%) of the assistant physicians' patient's records. It is the responsibility of the collaborating physician to determine and document the completion of the same location practice and records review as described above.

(D) For purposes of this rule, the following shall apply:

1. The term "continuously present" shall mean the supervising physician is physically present and seeing each and every patient with the assistant physician when said assistant physician is seeing and/or treating a patient;

2. The term "one (1) month period" shall mean a minimum of one hundred twenty (120) hours of clinic time, where the supervising physician and assistant physician are seeing and treating patients.

(E) A collaborating physician shall not enter into a collaborative practice arrangement with more than three (3) full-time equivalent assistant physicians. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in Chapter 197, RSMo, or population-based public health services.

(2) Methods of treatment.

(A) The methods of treatment and the authority to administer, dispense, or prescribe drugs delegated in a collaborative practice arrangement between a collaborating physician and collaborating assistant physician shall be within the scope of practice of each professional and shall be consistent with each professional's skill, training, education, competence, licensure, and/or certification and shall not be further delegated to any person except that the individuals identified in sections 338.095 and 338.198, RSMo, may communicate prescription drug orders to a pharmacist.

(B) The collaborating physician shall consider the level of skill, education, training, and competence of the collaborating assistant physician and ensure that the delegated responsibilities contained in the collaborative practice arrangement are consistent with that level of skill, education, training, and competence.

(C) Guidelines for consultation and referral to the collaborating physician or designated health care facility for services or emergency care that is beyond the education, training, competence, or scope of practice of the assistant physician shall be established in the collaborative practice arrangement.

(D) The methods of treatment, including any authority to administer, dispense, or prescribe drugs, delegated in a collaborative practice arrangement between a collaborating physician and a collaborating assistant physician, shall be delivered only pursuant to a written agreement, jointly agreed-upon protocols, or standing orders that are specific to the clinical conditions treated by the collaborating physician and assistant physician.

(E) Methods of treatment delegated and authority to administer, dispense, or prescribe drugs shall be subject to the following:

1. The physician retains the responsibility for ensuring the appropriate administering, dispensing, prescribing, and control of drugs utilized pursuant to a collaborative practice arrangement in accordance with all state and federal statutes, rules, or regulations;

2. All labeling requirements outlined in section 338.059, RSMo, shall be followed;

3. Consumer product safety laws and Class B container standards shall be followed when packaging drugs for distribution;

4. All drugs shall be stored according to the *United States Pharmacopeia* (USP), (2010), published by the United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852-1790, 800-227-8772; <http://www.usp.org/> recommended conditions, which is incorporated by reference. This does not include any later amendments or additions;

5. Outdated drugs shall be separated from the active inventory;

6. Retrieval dispensing logs shall be maintained for all prescription drugs dispensed and shall include all information required by state and federal statutes, rules, or regulations;

7. All prescriptions shall conform to all applicable state and federal statutes, rules, or regulations and shall include the name, address, and telephone number of the collaborating physician and collaborating assistant physician;

8. In addition to administering and dispensing controlled substances, an assistant physician, who meets the requirements of 20 CSR 2150-2.260, may be delegated the authority to prescribe controlled substances listed in Schedules II (hydrocodone), III, IV, and V of section 195.017, RSMo, in a written collaborative practice arrangement, except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules II (hydrocodone), III, IV, and V of section 195.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty- (120-) hour supply without refill;

9. An assistant physician may not prescribe controlled substances for his or her own self or family. Family is defined as spouse, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, mother-in-law, father-in-law, brothers-in-law, sisters-in-law,

daughters-in-law, and sons-in-law. Adopted and step family members are also included in family;

10. An assistant physician in a collaborative practice arrangement may only dispense starter doses of medication to cover a period of time for seventy-two (72) hours or less with the exception of Title X family planning providers or publicly funded clinics in community health settings that dispense medications free of charge. The dispensing of drug samples, as defined in 21 U.S.C. section 353(c)(1), is permitted as appropriate to complete drug therapy;

11. The collaborative practice arrangement shall clearly identify the controlled substances the collaborating physician authorizes the assistant physician to prescribe and document that it is consistent with each professional's education, knowledge, skill, and competence; and

12. The medications to be administered, dispensed, or prescribed by a collaborating assistant physician in a collaborative practice arrangement shall be consistent with the education, training, competence, and scopes of practice of the collaborating physician and collaborating assistant physician.

(F) When a collaborative practice arrangement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall examine and evaluate the patient and approve or formulate the plan of treatment for new or significantly changed conditions as soon as is practical, but in no case more than two (2) weeks after the patient has been seen by the collaborating assistant physician. If the assistant physician is utilizing telehealth in providing services, the collaborating physician, or other physician designated in the collaborative practice arrangement may conduct the examination and evaluation required by this section via live, interactive video or in person. Telehealth providers shall obtain the patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, as amended, and all other applicable state and federal laws and regulations.

(3) Review of Services.

(A) In order to assure true collaborative practice and to foster effective communication and review of services, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall be immediately available for consultation to the assistant physician at all times, either personally or via telecommunications.

(B) The collaborative practice arrangement between a collaborating physician and an assistant physician shall be signed and dated by the collaborating physician and assistant physician before it is implemented, signifying that both are aware of its content and agree to follow the terms of the collaborative practice arrangement. The collaborative practice arrangement and any subsequent notice of termination of the collaborative practice arrangement shall be in writing and shall be maintained by the collaborating professionals for a minimum of eight (8) years after termination of the collaborative practice arrangement. The collaborative practice arrangement shall be reviewed at least annually and revised as needed by the collaborating physician and assistant physician. Documentation of the annual review shall be maintained as part of the collaborative practice arrangement.

(C) Within thirty (30) days of any change and with each physician's license renewal, the collaborating physician shall advise the Missouri State Board of Registration for the Healing Arts whether he or she is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances and also report to the board the name of each licensed assistant physician with whom he or she has entered into such agreement. A change shall include, but not be limited to,

resignation or termination of the assistant physician; change in practice locations; and addition of new collaborating professionals.

(D) An assistant physician practicing pursuant to a collaborative practice arrangement shall maintain adequate and complete patient records in compliance with section 334.097, RSMo.

(E) The collaborating physician shall complete a review of a minimum of ten percent (10%) of the total health care services delivered by the assistant physician. If the assistant physician practice includes the prescribing of controlled substances, the physician shall review a minimum of twenty percent (20%) of the cases in which the assistant physician wrote a prescription for a controlled substance. If the controlled substance chart review meets the minimum total ten percent (10%) as described above, then the minimum review requirements have been met. The assistant physician's documentation shall be submitted for review to the collaborating physician at least every fourteen (14) days. This documentation submission may be accomplished in person or by other electronic means and reviewed by the collaborating physician. The collaborating physician must produce evidence of the chart review upon request of the Missouri State Board of Registration for the Healing Arts. This subsection shall not apply during the time the collaborating physician and assistant physician are practicing together as required in subsection (2)(C) above or 20 CSR 2150-2.240.

(F) If a collaborative practice arrangement is used in clinical situations where an assistant physician provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician shall be present for sufficient periods of time, at least once every two (2) weeks, except in extraordinary circumstances that shall be documented, to participate in such review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff. If the assistant physician is utilizing telehealth in providing services the collaborating physician may be present in person or the collaboration may occur via telehealth in order to meet the requirements of this section. Telehealth providers shall obtain patient's or the patient's guardian's consent before telehealth services are initiated and shall document the patient's or the patient's guardian's consent in the patient's file or chart. All telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, as amended and all other applicable state and federal laws and regulations.

(G) The collaborating physician and assistant physician shall determine an appropriate process of review and management of abnormal test results which shall be documented in the collaborative practice arrangement.

(4) Population-Based Public Health Services.

(A) In the case of the collaborating physician and assistant physician practicing in association with public health clinics that provide population-based health services, the geographic areas, methods of treatment, and review of services shall occur as set forth in the collaborative practice arrangement. If the services provided in such settings include diagnosis and initiation of treatment of disease or injury not related to population-based health services, then the provisions of sections (1), (2), and (3) above shall apply.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014, and section 334.037, RSMo Supp. 2015. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand thirteen dollars and fifty-seven cents (\$4,013.57) to four thousand five hundred ninety-four dollars and thirty-seven cents (\$4,594.37) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.240 Assistant Physicians - Collaborative Practice Agreements

II. SUMMARY OF FISCAL IMPACT

Annual Costs

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$4,013.57 to \$4,594.37
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3% \$4,013.57 to \$4,594.37

III. WORKSHEET

The processing technicians provide technical support, review the collaborative practice agreements for compliance, and respond to inquiries related to the licensure law and/or rules and regulations. The administrative coordinator will assist with the compliance review, provide guidance to the processing technicians, and submit recommendations to the principle assistant. Legal counsel will provide guidance and assistance to staff and the Board, as well as, litigation cases of non-compliance.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Principle Assistant	\$58,815	\$90,328	\$43.43	\$0.72	20	\$14.40	121	\$1,742.40
	\$61,148	\$93,911	\$45.15	\$0.75		\$15.00		\$1,815.00
Administrative Coordinator	\$37,548	\$57,666	\$27.72	\$0.46	20	\$9.20	121	\$1,113.20
	\$39,624	\$60,855	\$29.26	\$0.49		\$9.80		\$1,185.80
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	60	\$17.40	121	\$2,105.40
Processing Technician II								
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$21.60		\$2,613.60
Legal Counsel (questions)	\$54,075	\$83,048	\$39.93	\$0.67	5	\$3.35	121	\$405.35
	\$58,299	\$89,536	\$43.05	\$0.72	390	\$280.80		\$33,976.80
					Personal Service Costs			\$3,847.80
								\$4,428.60

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	121	\$78.65
License Printing and Postage	\$0.72	121	\$87.12
Expense and Equipment Costs			\$165.77

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the collaborative practice notification. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

**20 CSR 2150-2.250 Assistant Physician Supervision Change
Requirements**

PURPOSE: This rule provides the requirements and time frames licensees must follow in reporting a change in supervision.

(1) Licensed assistant physicians who enter a collaborative practice arrangement with a physician or who terminate a collaborative practice arrangement with a physician, for any reason, must submit written notification and the required form to the board within fifteen (15) days of such occurrence.

(2) If an assistant physician does not have a collaborative physician within six (6) months of his or her initial licensure, the license shall be void.

(3) If an assistant physician does not have a collaborative physician for any six (6) month period, the license shall be void.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately fifty dollars (\$50) to sixty dollars and fifty cents (\$60.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately four dollars and ninety cents (\$4.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.250 Supervision Change Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$50.00 to \$60.50
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3% \$50.00 to \$60.50

III. WORKSHEET

The Processing Technicians provide technical support, process request for supervision changes and respond to inquiries related to the licensure law and/or rules and regulations.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Processing Technician I	\$23,160	\$35,569	\$17.10	\$0.29	15	\$4.35	10	\$43.50
Processing Technician II	to	to	to	to		to		to
Processing Technician III	\$29,496	\$45,300	\$21.78	\$0.36		\$5.40		\$54.00
					Personal Service Costs:			\$43.50 to \$54.00

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	10	\$6.50
Expense and Equipment Costs			\$6.50

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of change of supervision notifications. The total cost was based on the cost per application multiplied by the estimated number of notifications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.250 Supervision Change Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Supervision Change Notice (Postage @ \$0.49)	\$4.90
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%	\$4.90

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately 10 assistant physicians will submit notices of change of supervision annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RULE

20 CSR 2150-2.260 Assistant Physician Certificate of Prescriptive Authority

PURPOSE: This rule sets forth the process for assistant physicians to receive a certificate of controlled substance prescriptive authority.

(1) Licensees applying for a certificate of prescriptive authority shall submit—

(A) A completed application on a form provided by the board;

(B) Applicants shall submit the application fee as stated in 20 CSR 2150-2.080;

(C) A supervision verification form, signed by their collaborating physician, stating that the collaborating physician has delegated the authority to prescribe Schedule II (hydrocodone), III, IV, or V controlled substances to the assistant physician. The delegated authority to prescribe shall be consistent with each professional's education, knowledge, skill, and competence. Any limitations on the physician's or assistant physician's ability to prescribe shall be listed on the supervision verification form; and

(D) An affidavit completed by their collaborating physician documenting the completion of at least one hundred twenty (120) hours in a four- (4-) month period by the assistant physician during which the assistant physician practiced with the supervising physician continuously present.

AUTHORITY: sections 334.036 and 334.125, RSMo Supp. 2014, and section 334.037, RSMo Supp. 2015. Original rule filed June 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six thousand forty-six dollars and thirty-seven cents (\$6,046.37) to seven thousand one hundred seventy-one dollars and sixty-seven cents (\$7,171.67) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately three hundred one dollars and twenty-nine cents (\$301.29) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.260 Assistant Physicians Certificate of Prescriptive Authority

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation

Affected Agency or Political Subdivision	Estimated Costs
State Board of Registration for the Healing Arts	\$6,046.37
	to
	\$7,171.67
	Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%
	\$6,046.37
	to
	\$7,171.67

III. WORKSHEET

The processing technicians provides technical support, processes applications for prescriptive authority permits, and responds to inquiries related to the licensure law and/or rules and regulations. The administrative services coordinator reviews and approves each application and provides guidance to the processing technicians. The principle assistant reviews and approves complex applications and provides guidance to the staff. Legal counsel provides guidance to the staff and board.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION (IN MINUTES)	COST PER APPL	NUMBER OF ITEMS	TOTAL COST
Principle Assistant	\$58,815 to \$61,148	\$90,328 to \$93,911	\$43.43 to \$45.15	\$0.72 to \$0.75	30	\$21.60 to \$22.50	121	\$2,613.60 to \$2,722.50
Administrative Coordinator	\$37,548 to \$39,624	\$57,666 to \$60,855	\$27.72 to \$29.26	\$0.46 to \$0.49	30	\$13.80 to \$14.70	121	\$1,669.80 to \$1,778.70
Processing Technician I	\$23,160 to \$24,496	\$35,569 to \$37,300	\$17.10 to \$17.78	\$0.29 to \$0.36	120	\$34.80 to \$43.20	121	\$4,210.80 to \$5,227.20
Processing Technician II								
Processing Technician III								
Legal Counsel	\$54,075 to \$58,299	\$83,048 to \$89,536	\$39.93 to \$43.05	\$0.67 to \$0.72	30	\$20.10 to \$21.60	121	\$2,432.10 to \$2,613.60
Personal Service Costs								\$5,880.60 to \$7,005.90

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	121	\$78.65
License Printing and Postage	\$0.72	121	\$87.12
Expense and Equipment Costs			\$165.77

IV. ASSUMPTIONS

- Employees' salaries were calculated using the annual salary multiplied by 53.58% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of prescriptive authority certificates. The total cost was based on the cost per application multiplied by the estimated number of applications.
- It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual costs incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Rule - 20 CSR 2150-2.260 Assistant Physician Certificate of Prescription Authority

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
121	Prescriptive Authority Application (Postage @ \$0.49)	\$59.29
121	Prescriptive Authority Application (Affidavit Notary @ \$2)	\$242.00
Estimated Annual Cost of Compliance for the Life of the Rule with a Projected Annual Increase of 3%		\$301.29

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that approximately 121 assistant physicians will apply for a certificate of prescriptive authority annually.
2. The board anticipates a 3% increase in the number of applicants annually.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-1.010 Organization and Methods of Operation
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 481). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received three (3) comments on proposed changes to 3 CSR 10-1.010 Organization and Methods of Operation.

COMMENT: Gretchen Cervantex, TX, voiced general opposition to the regulation.

RESPONSE: The commission appreciates citizen input. No changes to the rule have been made as a result of these comments.

COMMENT: Michael Storm, Warsaw, and Robert Coovert, Warsaw, expressed opposition to the proposed amendment; however, specific

comments pertained to proposed regulation changes regarding feral hog eradication.

RESPONSE: The commission appreciates citizen input on a variety of topics and will address these comments along with others received for 3 CSR 10-11.110 General Provisions. No changes to the rule have been made as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from six (6) individuals on proposed changes to 3 CSR 10-7.410 Hunting Methods.

COMMENT: Norman Murray, Ashland, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Murray's support for the regulation change.

COMMENT: Dale DuPont, Ellington; Kyle Dorris, Clubb; Stanley Eden, Marionville; James Hammons, Niangua, and James Hikdebrand, Seymore, expressed opposition to the proposed amendment; however, specific comments pertained to proposed regulation changes regarding feral hog eradication.

RESPONSE: The commission appreciates citizen input on a variety of topics and will address these comments along with others received for 3 CSR 10-11.110 General Provisions. No changes to the rule have been made as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 Deer: Firearms Hunting Season is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-7.433 Deer: Firearms Hunting Season.

COMMENT: Norman Murray, Ashland, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Murray's support for the regulation change.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received two (2) comments on proposed changes to 3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits.

COMMENT: Kenneth Baker, Cameron, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Baker's support for the regulation change.

COMMENT: Steve Gillaspay, Everton, indicated that he was undecided on these proposed changes and offered no specific comments.

RESPONSE: The commission appreciates citizen input. No changes to the rule have been made as a result of this information.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.110 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from three hundred ninety-eight (398) individuals on proposed changes to 3 CSR 10-11.110 General Provisions. A

spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received thirty-three (33) comments from individuals who expressed general support for the proposal to prohibit the taking of feral livestock on lands owned or leased by the Department of Conservation, citing the importance of removing these invasive animals from the landscape in order to protect Missouri's valuable resources.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Three hundred sixty-five (365) individuals indicated general opposition to the proposed changes.

RESPONSE: To the extent there were specific comments or suggestions provided, the commission has addressed them below.

COMMENTS: Stanley Eden, Marionville; Mel Yokel, Desloge; Brian Boesing, Middlebrook; Gary Durbin, Cuba; John Pratt, Poplar Bluff; Joey Laughlin, Waynesville; John Parsons, Mineral Point; Darrell Rife, location unknown; Lonnie Goehman, Des Arc; Brent Hopkins, Marionville; Cody Fox, Arkansas; Rowdy Reynolds, Potosi; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis maintain that trapping alone will not effectively remove feral hogs from the landscape and other states have been unsuccessful in their efforts to eradicate feral hogs when they focus on trapping.

RESPONSE: Hunting is an effective tool for managing populations of wildlife; however, the commission doesn't want to manage the feral hog population, they want to eliminate it. Other states have shown that hog hunting actually increases feral hog numbers and distribution because of illegal releases of more animals into the wild to ensure future hunting opportunities. Tennessee, Kansas, and Illinois do not allow hunting for feral hogs and have instead focused their efforts on trapping, which they have shown to be more successful at eliminating hogs. The commission is unaware of any states that have focused efforts on trapping and determined the effort to be unsuccessful.

Additionally, feral hogs travel in large groups and have a high reproductive rate. The entire group must be removed or the remaining hogs quickly multiply and replace those that were removed. Hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and more difficult to remove. No changes to the rule have been made as a result of these comments.

COMMENTS: James Hikdebrand, Seymore; Lonnie Nageotte, Exeter; Bryan Boesing, Middlebrook; Terry Pease, Cadet; Brent Hopkins, Marionville; JR Lanham, Bunker; Missi Ferguson, Willard; Eliot Montgomery, location unknown; Michael Alberson, Greenville; John Parsons, Mineral Point; Robert Elder, Greenville; Cody Fox, Arkansas; Rowdy Reynolds, Potosi; Robert Coovert, Warsaw; Robert Maley, Otterville; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis believe that hunters must be engaged and encouraged to take feral hogs to control the state's population.

RESPONSE: Hunting is an effective tool to manage populations of wildlife; however, the commission does not want to manage the feral hog population, they want to eliminate it. Other states have shown that hunting actually increases feral hog numbers and distribution because of illegal releases of animals into the wild to ensure future hunting opportunities. Also, feral hogs travel in large groups and because of their high reproductive rate, the entire group must be removed at once otherwise the remaining hogs quickly replace those that were removed. Hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and

more difficult to remove.

Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Lonnie Goehman, Des Arc; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis voiced concern for the safety of other area users and incidental take of wildlife when helicopters are used to remove hogs from public land.

RESPONSE: While the Department of Conservation's helicopter is used for aerial hog eradication operations, the U.S. Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS) also conducts operations in Missouri using aircraft that they own and operate. The USDA-APHIS routinely conducts aerial operations around the country to remove feral hogs and has found this to be a safe and effective method to eliminate feral hogs. Both agencies follow a strict protocol, which includes closure of the area during all flights to eliminate any risk to the public. Operations are conducted during times of the year when foliage is absent and sharpshooters are trained to positively identify their targets to minimize collateral loss of other wildlife. There has been no evidence of harm to other species after an aerial operation. No changes to the rule have been made as a result of these comments.

COMMENTS: Paul White, Belgrade, and Terry Pease, Cadet, suggested that the commission impose larger fines or loss of hunting privileges for individuals found to be transporting hogs.

RESPONSE: This suggestion has merit and was considered in the Missouri Legislature this past session. For clarification, the Missouri Department of Agriculture regulates transportation of feral hogs and local courts are responsible for setting fine amounts for these violations. No changes to the rule have been made as a result of these comments.

COMMENTS: Stanley Eden, Marionville, and Brent Hopkins, Marionville, suggested that public land remain open for hog hunting with clearly designated no-hunting zones around traps to avoid conflicts with hunters.

RESPONSE: The department clearly marks areas where trapping efforts are underway during hunting seasons; however, some individuals intentionally hunt in these areas because they are aware of hog activity.

Allowing any take of feral hogs provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. The commission does not agree that simply closing parts of areas during trapping efforts would be an effective alternative. No changes to the rule have been made as a result of these comments.

COMMENT: Robert Elder, Greenville, indicated his belief that removal of feral hogs by hunters is more cost effective than trapping.

RESPONSE: Feral hogs travel in large groups which allows the entire group to be removed via trapping. Alternatively, hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and more difficult to remove. As a result, trapping is a much more effective and efficient strategy than hunting to eliminate feral hogs. No changes to the rule have been made as a result of this comment.

COMMENTS: Gary Lance Wells, location unknown; Todd Goodman, Troy, and Cody Fox, Arkansas, suggested that public land remain open for hog hunting with select areas closed through posting while trapping efforts are in progress.

RESPONSE: Allowing the take of feral hogs provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs

became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. The commission does not believe that simply closing areas during trapping efforts would be an effective alternative. No changes to the rule have been made as a result of these comments.

COMMENTS: Dave Tucker, Ellington, and Harry Grannemann, location unknown, suggested that the commission enforce current regulations that prohibit release of wildlife rather than establish new regulations.

RESPONSE: The commission enforces all regulations to the best of its ability; however, Missouri is a big state with a lot of remote areas and the department does not have enough agents to physically witness every feral hog released onto the landscape. Citizens are encouraged to contact their local conservation agent if they see someone releasing feral hogs. No changes to the rule have been made as a result of these comments.

COMMENTS: Bob Plummer, location unknown; JR Lanham, Bunker; Robert Maley, Otterville; Dale Crabtree, location unknown, and Keith (last name unknown), location unknown, allege that this change will punish all hunters for the actions of a few.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENT: Stanley Eden, Marionville; James Hammons, Niangua; James Hikdebrand, Seymour; Lonnie Nageotte, Exeter; Paul White, Belgrade; Tim (last name unknown), Mt. Vernon; Michael (last name unknown), Kirkwood; Brent Hopkins, Marionville; Wanda Brown, Arkansas; David Dodson, Ava; Cody Fox, Arkansas; Ken Gross, Fulton, and Keith (last name unknown), location unknown, expressed their desire to hunt hogs on public land and voiced support for establishing a hog hunting permit for use during a statewide season.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENT: JR Lanham, Bunker, expressed support for allowing hunters to continue to harvest feral hogs during open seasons with appropriate permits.

RESPONSE: Allowing the take of feral hogs at any time provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of this comment.

COMMENT: Twenty-three (23) individuals assert that land held in public trust by the commission should be open for all hunting opportunities.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes.

Feral hogs compete directly with native species for food and threaten the existence of those native species. Feral hogs are not considered wildlife in Missouri, and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: David Dodson, Ava; Kyle Salley, Springfield; John Darnall, Camdenton; James Hikdebrand, Seymour; Gracie Barker, location unknown; Scott Yamnitz, St. James, and Laura (last name unknown), location unknown, voiced support for allowing hunters to use dogs to pursue hogs.

RESPONSE: Allowing the take of feral hogs by any method provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Terry Pease, Cadet; Norman Null, Holt; Yonna Hillis, Qulin; Raymond Murrell, Kansas City; Travis Edwards, Joplin; Cody Fox, Arkansas, and Michael Storm, Warsaw, indicated that meat from feral hogs provide a valuable source of food for some families.

RESPONSE: There are many native species of fish and wildlife found in the state of Missouri that residents and non-residents can harvest during the appropriate season with a valid license. These species can provide year-round opportunities for outdoor activity and can be an excellent food source. No changes to the rule have been made as a result of these comments.

COMMENTS: James Hammon, Niangua; John Darnall, Camdenton; Terry Pease, Cadet; Stephanie Raney, Willard; JR Lanham, Bunker; Scott Yamnitz, St. James; Randy Larkin, Stella; Robert Coovert, Warsaw; Glenn Howard, Thornfield; Amy McKenney, Rock Port, and Treva Parks, Carthage, indicated that hunters should be allowed to use any method to take feral hogs.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. Feral hogs are not considered wildlife in Missouri, and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. Feral hogs compete directly with native species for food and space and threaten the existence of those native species. Allowing the take of feral hogs by any method provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Terry Pease, Cadet, and Joey Laughlin, Waynesville, indicated support for establishing a bounty on feral hogs to encourage additional harvest.

RESPONSE: Bounties have been used across the United States for decades for a variety of species including rattlesnakes, groundhogs, foxes, beavers, bears, coyotes, and feral hogs; in every instance, they have not effectively reduced or eradicated these species. Bounties, like the allowance of hunting, increase the incentive for illegal releases of more animals. A bounty will not allow the commission to achieve their goal to eradicate feral hogs from Missouri. No changes to the rule have been made as a result of these comments.

COMMENTS: James Hikdebrand, Seymour; Lucas Yount, Pleasant Hill, and Raymond Murrell, Kansas City, indicated that feral hog

hunting is a valued tradition in their family.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. Feral hogs compete directly with native species for food space and threaten the existence of those native species. No changes to the rule have been made as a result of these comments.

COMMENTS: Joe Laney, Purdy, and Lucas Yount, Pleasant Hill, indicated their belief that the commission does not have authority to regulate harvest of feral hogs since they are not native to the state of Missouri.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. To achieve this, the commission must attempt to control non-native, invasive species such as feral hogs, zebra mussels, Asian carp, emerald ash borer, spotted knapweed, bush honeysuckle, hydrilla, etc. that pose a threat to the native species of the state. No changes to the rule have been made as a result of these comments.

COMMENTS: Tim (last name unknown), Mt. Vernon; Gary Durbin, Cuba; Brent Hopkins, Marionville; David Dodson, Ava, and Darrell Rife, location unknown, indicated their belief that this regulation infringes upon citizens' rights and is an abuse of the commission's power.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. The commission is dedicated to the eradication of feral hogs to protect the native species of wildlife found in this state. Eradicating a destructive, invasive species that threatens our native fish and wildlife is not an infringement of citizens' rights. No changes to the rule have been made as a result of these comments.

Title 3—DEPARTMENT OF CONSERVATION **Division 10—Conservation Commission** **Chapter 11—Wildlife Code: Special Regulations for** **Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.180 Hunting, General Provisions and Seasons **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-11.180 Hunting, General Provisions and Seasons.

COMMENT: Dwight Jones, Moberly, voiced general support for the proposed changes.

RESPONSE: The commission appreciates Mr. Jones' support for the regulation change.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.101 Title; Authority is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-12.101 Title; Authority.

COMMENT: Ken Gross, Fulton, voiced opposition to any expansion of the commission's authority.

RESPONSE: This Wildlife Code change clarifies that special regulations apply on certain private lands open to public access under a department-sponsored outdoor recreational access program and was introduced to address enforcement concerns raised by program participants. The change does not expand the commission's authority. No changes to the rule have been made as a result of this information.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 489-490). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Conservation Commission received comments from three hundred twenty-seven (327) individuals on proposed changes to 3 CSR 10-12.125 Hunting and Trapping. A spreadsheet detailing comments received is available upon written request to the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

COMMENTS: The commission received twelve (12) comments from individuals who expressed general support for the proposal to prohibit the taking of feral livestock on lands owned or leased by the Department of Conservation, citing the importance of removing these invasive animals from the landscape in order to protect Missouri's valuable resources.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Three hundred fifteen (315) individuals indicated general opposition to the proposed changes.

RESPONSE: To the extent there were specific comments or suggestions provided, the commission has addressed them below.

COMMENTS: Dale and Vicki Jarvis, Mineral Point, voiced opposition to the proposed changes and submitted signature sheets with names of two hundred ninety-nine (299) individuals. Mr. & Mrs. Jarvis maintain that other states have been unsuccessful in their efforts to eradicate feral hogs when they focus on trapping and don't engage hunters.

RESPONSE: Tennessee, Kansas, and Illinois do not allow hunting for feral hogs and have instead focused their efforts on trapping, which they have shown to be more successful at eliminating feral hogs. The commission is unaware of any states that have focused efforts on trapping and determined the effort to be unsuccessful. No changes to the rule have been made as a result of these comments.

COMMENTS: Lonnie Goehman, Des Arc; Dale and Vicki Jarvis, Mineral Point, and two hundred ninety-nine (299) individuals listed on signature sheets submitted by Mr. & Mrs. Jarvis voiced concern for the safety of other area users and incidental take of wildlife when helicopters are used to remove hogs from public land.

RESPONSE: While the Department of Conservation's helicopter is used for aerial hog eradication operations, the U.S. Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS) also conducts operations in Missouri using aircraft that they own and operate. The USDA-APHIS routinely conducts aerial operations around the country to remove feral hogs and has found this to be a safe and effective method to eliminate feral hogs. Both agencies follow a strict protocol, which includes closure of the area during all flights to eliminate any risk to the public. Operations are conducted during times of the year when foliage is absent and sharpshooters are trained to positively identify their targets to minimize collateral loss of other wildlife. There has been no evidence of harm to other species after an aerial operation. No changes to the rule have been made as a result of these comments.

COMMENTS: Paul White, Belgrade; Roger Schoenfeld, Carl Junction, and Joe Hauser, Jr., location unknown, suggested that the commission impose larger fines or loss of hunting privileges for individuals caught transporting hogs.

RESPONSE: This suggestion has merit and was considered in the Missouri Legislature this past session. For clarification, the Missouri Department of Agriculture regulates transportation of feral hogs and local courts are responsible for setting fine amounts for these violations. No changes to the rule have been made as a result of these comments.

COMMENT: Roger Scheonfeld, Carl Junction, suggested that the department establish clearly designated no-hunting zones around traps to avoid conflicts with hunters.

RESPONSE: The department clearly marks areas where trapping efforts are underway during hunting seasons; however, some individuals intentionally hunt in these areas because they are aware of hog activity.

Allowing any take of feral hogs provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of these comments.

COMMENTS: Mel Yokel, Desloge, and Lonnie Goehman, Des Arc, stated their belief that trapping alone will not be effective in eradicating feral hogs from the landscape.

RESPONSE: Hunting is an effective tool for managing populations of wildlife; however, the commission doesn't want to manage the feral hog population, they want to eliminate it. Other states have shown that hog hunting actually increases feral hog numbers and distribution because of illegal releases of more animals into the wild for future hunting opportunities. Tennessee, Kansas, and Illinois do not allow hunting for feral hogs and have instead focused their efforts on trapping which they have shown to be more effective at eliminating feral hogs.

Additionally, feral hogs travel in large groups which allows the entire group to be removed via trapping. Alternatively, hunters only take one (1) or two (2) hogs from the group and the rest scatter to new areas and become smarter and more difficult to remove. As a result, trapping is a much more effective and efficient strategy than hunting to eliminate feral hogs. No changes to the rule have been made as a result of these comments.

COMMENTS: Harry Grannemann, location unknown, and Heath (last name unknown), location unknown, suggested that the commission enforce current regulations that prohibit release of wildlife rather than establish new regulations.

RESPONSE: The commission enforces all regulations to the best of its ability; however, Missouri is a big state with a lot of remote areas and the department does not have enough agents to physically witness every feral hog released onto the landscape. Citizens are encouraged to contact their local conservation agent if they see someone releasing feral hogs. No changes to the rule have been made as a result of these comments.

COMMENTS: Dale Crabtree, location unknown; Robert Maley, Otterville, and Keith (last name unknown), location unknown, allege that this change will punish all hunters for the actions of a few.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a Constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENTS: Paul White, Belgrade; Jeff Garland, Highlandville, and Keith (last name unknown), location unknown, expressed their desire to hunt hogs on public land and voiced support for establishing a hog hunting permit for use during a statewide season.

RESPONSE: Feral hogs are not considered wildlife in Missouri and the commission does not consider the take or killing of feral hogs to be hunting. The commission has a constitutional mandate to protect the fish, forest, and wildlife resources of the state. Feral hogs compete directly with native species for food and space and threaten the existence of those species; therefore, the commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

COMMENT: Robert Maley, Otterville, expressed support for allowing hunters to continue to harvest hogs during open seasons with appropriate permits.

RESPONSE: Allowing the take of feral hogs at any time provides incentive for the illegal release of more hogs onto the landscape. Since feral hogs became a problem in Missouri in the mid-1990s, unregulated take has been allowed in conjunction with trapping efforts and the problem has continued to get worse. No changes to the rule have been made as a result of this comment.

COMMENTS: Jeff Garland, Highlandville; Dale Crabtree, location unknown; Glenn Howard, Thornfield; Amy McKenney, Rock Port;

Treva Parks, Carthage; Richard McKinley, Collins, and Heath (last name unknown), location unknown, assert that land held in public trust by the commission should be open for all hunting opportunities.

RESPONSE: The commission has a constitutional responsibility for the control, management, restoration, conservation, and regulation of the bird, fish, game, forestry, and all wildlife resources of the state including all property owned, acquired, or used for such purposes. Feral hogs compete directly with native species for food and threaten the existence of those native species. Feral hogs are not considered wildlife in Missouri, and the commission does not consider the take or killing of feral hogs to be hunting. The commission is dedicated to the eradication of feral hogs to protect Missouri's native game and wildlife. No changes to the rule have been made as a result of these comments.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 700—Insurance Licensing Chapter 3—Education Requirements

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2013, and section 375.020, RSMo Supp. 2014, the director amends a rule as follows:

20 CSR 700-3.200 Continuing Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2016 (41 MoReg 444-446). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period on this proposed amendment ended May 1, 2016, and a public hearing was held May 2, 2016. At the public hearing, one (1) comment was made in support of the proposed amendment. In addition, one (1) written comment in support of the proposed amendment was received.

COMMENTS: Grady Martin, with the Administration Division of the Department of Insurance, Financial Institutions and Professional Registration, testified at the public hearing in support of the proposed amendment with no suggested changes. The Missouri Association of Insurance Agents, through Matt Barton, submitted a written comment in support of the proposed amendment with no suggested changes.

RESPONSE: No changes have been made to the rule as a result of these comments.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

NON-SUBSTANTIVE CHANGE REQUEST

The Missouri Propane Safety Commission requests that the secretary of state make a non-substantive change to the following rules in accordance with the provisions of section 536.032, RSMo. The commission has officially changed its name from Missouri Propane Gas Commission (MPGC) to Missouri Propane Safety Commission (MPSC) effective January 1, 2016. The commission would like to request that name change to be reflected in the rules wherever it is referred to whether by name or acronym.

2 CSR 90-10.001 Definitions and General Provisions
2 CSR 90-10.011 Inspection Authority—Duties
2 CSR 90-10.012 Registration—Training
2 CSR 90-10.013 Installation Requirements
2 CSR 90-10.014 Storage
2 CSR 90-10.120 Reporting of Odorized LP Gas Release, Fire, or Explosion

This change will appear in the August 31, 2016 update to the *Code of State Regulations*.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, September 1, 2016.

ADDRESSES: You may submit comments concerning an applicant,

identified by the Application Number stated below, by any of the following methods:

- **Email:** Pamela.lueckenotto@modot.mo.gov
- **Mail:** PO Box 270, Jefferson City, MO 65102
- **Hand Delivery:** 830 MoDOT Drive, Jefferson City, MO 65102
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #357

New Applicant's Name & Age: William L. Budde, 61

Relevant Physical Condition: Vision impaired.

Mr. Budde's best corrected visual acuity in his right eye is 20/200 Snellen, and his best corrected visual acuity in his left eye is 20/30 Snellen. Mr. Budde has had this visual impairment since birth, September 1954.

Relevant Driving Experience: Mr. Budde has approximately fifteen

(15) years of commercial motor vehicle experience. Mr. Budde currently has a Class B license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2016, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Budde has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: June 16, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
MCNEIL CONSULTING GROUP, INC.**

On June 14, 2016, MCNEIL CONSULTING GROUP, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on June 13, 2016.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

MCNEIL CONSULTING GROUP, INC.
Attn: Kent McNeil
3177 Longfellow Blvd
St. Louis, MO 63104

Or

Warren W. Davis, Esq.
Sandberg Phoenix & von Gontard P.C.
600 Washington Avenue, 15th Floor
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of MCNEIL CONSULTING GROUP, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
FIVE STAR PAINTING GROUP, LLC**

On May 4, 2016, FIVE STAR PAINTING GROUP, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

All persons with claims against the limited liability company may submit any claim in accordance with this notice to: Ryan Ostlund, 7230 N. Oakland Avenue, Kansas City, MO 64158. All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; documentation of the claim(s); and the date(s) of the event(s) on which the claim is based occurred.

All claims against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION TO
ALL CREDITORS OF AND CLAIMANTS AGAINST B-K ERDEL, INC.**

On April 15, 2016, B-K Erdel, Inc., filed its articles of dissolution with the Missouri Secretary of State. The dissolution was effective on April 15, 2016.

You are hereby notified that if you believe you have a claim against B-K Erdel, Inc., you must submit a summary in writing of the circumstances surrounding your claim to B-K Erdel, Inc. at 1949 E. Sunshine St., Springfield, MO 65804. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date on which the event on which the claim is based occurred; and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against B-K Erdel, Inc., will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF LIMITED LIABILITY COMPANY DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MCGOWAN CRAIN, LLC**

On June 20, 2016, McGowan Crain, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company and Articles of Termination with the Missouri Secretary of State.

Notice is hereby given that all claims against the Company should be presented in writing and sent to the Company at this mailing address:

Attention: Ben Crain
60 Wilderness Road
Eureka, MO 63025

The claim must contain: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the basis of the claim; and (4) any documents related to the claim.

Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP AND DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS AGAINST
EFFICIENT MANUFACTURING SYSTEMS LLC**

EFFICIENT MANUFACTURING SYSTEMS, LLC, a Missouri limited liability company, plans to dissolve and has filed a Notice of Winding Up on December 31, 2015. Any and all claims against EFFICIENT MANUFACTURING SYSTEMS, LLC should be forwarded to Gerard Hellebusch, 143 Country Ridge Lane, Washington, Missouri 63090. Each claim should include the following: (i) the name, address and telephone number of the claimant; (ii) the amount of the claim; (iii) the basis for the claim; and (iv) documentation of the claim. Any claims against EFFICIENT MANUFACTURING SYSTEMS, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DARRELL COURT PROPERTIES, LLC**

On June 27, 2016, Darrell Court Properties, LLC, a Missouri limited liability company ("Company"), filed Notice of Winding Up for a Limited Liability Company with Missouri Secretary of State.

Company requests that any and all claims against Company be presented by letter to Company c/o Robert D. Bates, 11516 Miracle Hills Drive, Suite 202, Omaha, Nebraska 68154. Each claim against Company must include the following information: Name, the address and telephone number of the claimant; amount of the claim; date on which claim arose; brief description of the nature of or the basis for claim; and any documentation related to claim.

All claims against Company will be barred unless a proceeding to enforce claim is commenced within three years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against Royal Experience, LLC., a Missouri Limited Liability Company.

On June 17, 2016, Royal Experience, LLC., a Missouri Limited Liability Company, Charter Number LC0958661, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of Royal Experience, LLC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against The Cabins at Grand Mountain Phase IV, LLC., a Missouri Limited Liability Company.

On June 17, 2016, The Cabins at Grand Mountain Phase IV, LLC., a Missouri Limited Liability Company, Charter Number LC0837362, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of The Cabins at Grand Mountain Phase IV, LLC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SPE WAKARUSA KANSAS, LLC**

On June 27, 2016, SPE Wakarusa Kansas, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB WINTERBERRY MISSOURI, LLC**

On June 27, 2016, HCB Winterberry Missouri, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB WHITESTONE TEXAS, LLC**

On June 28, 2016, HCB Whitestone Texas, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB MVB CALIFORNIA, LLC**

On June 27, 2016, HCB MVB California, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB KRUSE INDIANA, LLC**

On June 27, 2016, HCB Kruse Indiana, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB COLONIAL TEXAS, LLC**

On June 27, 2016, HCB Colonial Texas, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB BILTMORE TENNESSEE, LLC**

On June 27, 2016, HCB Biltmore Tennessee, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB COLONIAL MISSOURI, LLC**

On June 27, 2016, HCB Colonial Missouri, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HCB ALTO TEXAS, LLC**

On June 27, 2016, HCB Alto Texas, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: National Bank Holdings Corporation, Attention: General Counsel, 7800 East Orchard Road, Suite 300, Greenwood Village, Colorado, 80111. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

“All persons with claims against Majestic Auction House, LLC must present them in accordance with the following notice of winding up: each claim must contain the name of the owner; the date the claim was incurred; the amount of the claim, and must be sent in writing via U.S. Mail, postage prepaid to: K. Martin Kuny, 114 S. Main Street, Suite 100, Independence, MO 64050. Any claim against the aforementioned limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.”

“All persons with claims against Old Country Auction, LLC must present them in accordance with the following notice of winding up: each claim must contain the name of the owner; the date the claim was incurred; the amount of the claim, and must be sent in writing via U.S. Mail, postage prepaid to: K. Martin Kuny, 114 S. Main Street, Suite 100, Independence, MO 64050. Any claim against the aforementioned limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.”

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				40 MoReg 1836
1 CSR 10-17.010	Commissioner of Administration		41 MoReg 660		
1 CSR 10-17.040	Commissioner of Administration		41 MoReg 661		
1 CSR 10-17.050	Commissioner of Administration		41 MoReg 666		
1 CSR 30-2.050	Division of Facilities Management, Design and Construction				41 MoReg 750
1 CSR 30-5.010	Division of Facilities Management, Design and Construction		41 MoReg 667		
1 CSR 40-1.050	Purchasing and Materials Management		41 MoReg 671		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-9.010	Animal Health		41 MoReg 301	41 MoReg 895	
2 CSR 30-9.020	Animal Health		41 MoReg 301	41 MoReg 895	
2 CSR 30-9.030	Animal Health		41 MoReg 302	41 MoReg 896	
2 CSR 30-10.010	Animal Health	40 MoReg 1623	41 MoReg 548		
2 CSR 80-2.010	State Milk Board		41 MoReg 727		
2 CSR 80-2.020	State Milk Board		41 MoReg 727		
2 CSR 80-2.030	State Milk Board		41 MoReg 728		
2 CSR 80-2.040	State Milk Board		41 MoReg 728		
2 CSR 80-2.050	State Milk Board		41 MoReg 374	41 MoReg 800	
			41 MoReg 832		
2 CSR 80-2.060	State Milk Board		41 MoReg 729		
2 CSR 80-2.070	State Milk Board		41 MoReg 729		
2 CSR 80-2.080	State Milk Board		41 MoReg 731		
2 CSR 80-2.091	State Milk Board		41 MoReg 731		
2 CSR 80-2.101	State Milk Board		41 MoReg 731		
2 CSR 80-2.110	State Milk Board		41 MoReg 732		
2 CSR 80-2.121	State Milk Board		41 MoReg 732		
2 CSR 80-2.130	State Milk Board		41 MoReg 733		
2 CSR 80-2.141	State Milk Board		41 MoReg 733		
2 CSR 80-2.151	State Milk Board		41 MoReg 734		
2 CSR 80-2.161	State Milk Board		41 MoReg 734		
2 CSR 80-2.170	State Milk Board		41 MoReg 734		
2 CSR 80-2.180	State Milk Board		41 MoReg 735		
2 CSR 80-2.181	State Milk Board		41 MoReg 735		
2 CSR 80-3.060	State Milk Board		41 MoReg 736		
2 CSR 80-3.120	State Milk Board		41 MoReg 736		
2 CSR 80-3.130	State Milk Board		41 MoReg 736		
2 CSR 80-4.010	State Milk Board		41 MoReg 737		
2 CSR 80-5.010	State Milk Board		41 MoReg 548		
2 CSR 80-6.041	State Milk Board		41 MoReg 374	41 MoReg 800	
2 CSR 90-10	Weights and Measures				39 MoReg 1399 40 MoReg 1046 This Issue
2 CSR 90-10.001	Weights and Measures		This Issue		
2 CSR 90-10.011	Weights and Measures		This Issue		
2 CSR 90-10.012	Weights and Measures		This Issue		
2 CSR 90-10.013	Weights and Measures		This Issue		
2 CSR 90-10.020	Weights and Measures		This Issue		
2 CSR 90-10.040	Weights and Measures		This Issue		
2 CSR 90-10.090	Weights and Measures		This IssueR		
2 CSR 90-30.040	Weights and Measures		41 MoReg 159	41 MoReg 839	
2 CSR 100-II.010	Missouri Agricultural and Small Business Development Authority		41 MoReg 549		
2 CSR 100-II.020	Missouri Agricultural and Small Business Development Authority		41 MoReg 553		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		41 MoReg 481	This Issue	
3 CSR 10-2.010	Conservation Commission		41 MoReg 481R	41 MoReg 800R	
3 CSR 10-2.020	Conservation Commission		41 MoReg 482	41 MoReg 800	
3 CSR 10-7.410	Conservation Commission		41 MoReg 488	This Issue	
3 CSR 10-7.433	Conservation Commission		41 MoReg 488	This Issue	
3 CSR 10-7.434	Conservation Commission		N.A.	41 MoReg 745	
3 CSR 10-7.435	Conservation Commission		N.A.	41 MoReg 745	
3 CSR 10-7.437	Conservation Commission		N.A.	41 MoReg 746	
3 CSR 10-7.440	Conservation Commission		N.A.	41 MoReg 746	
3 CSR 10-7.455	Conservation Commission		41 MoReg 488	This Issue	
3 CSR 10-II.110	Conservation Commission		41 MoReg 489	This Issue	
3 CSR 10-II.180	Conservation Commission		41 MoReg 489	This Issue	
3 CSR 10-12.101	Conservation Commission		41 MoReg 489	This Issue	
3 CSR 10-12.125	Conservation Commission		41 MoReg 489	This Issue	
3 CSR 10-12.130	Conservation Commission		41 MoReg 490	41 MoReg 801	
3 CSR 10-12.135	Conservation Commission		41 MoReg 491	41 MoReg 801	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-12.160	Conservation Commission		41 MoReg 494	41 MoReg 801	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-3.105	Public Service Commission		41 MoReg 305		
4 CSR 240-13.020	Public Service Commission		41 MoReg 307	41 MoReg 839	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.110	Division of Learning Services		41 MoReg 443		
5 CSR 20-100.120	Division of Learning Services		41 MoReg 443		
5 CSR 20-100.180	Division of Learning Services		41 MoReg 307R	41 MoReg 841R	
5 CSR 20-100.270	Division of Learning Services		41 MoReg 77	41 MoReg 747	
5 CSR 20-200.110	Division of Learning Services		41 MoReg 832R		
5 CSR 20-200.120	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.130	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.140	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.150	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.220	Division of Learning Services		41 MoReg 834R		
5 CSR 20-200.270	Division of Learning Services		41 MoReg 834R		
5 CSR 20-400.125	Division of Learning Services		41 MoReg 79	41 MoReg 747	
5 CSR 20-400.380	Division of Learning Services		This Issue		
5 CSR 30-680.050	Division of Financial and Administrative Services		41 MoReg 737		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 738		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 738		
5 CSR 100-200.047	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740		
5 CSR 100-200.095	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740		
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20 CSR 2150-2.250	State Board of Registration for the Healing Arts		This Issue		
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20 CSR 2197-1.040	Board of Therapeutic Massage	41 MoReg 825			
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20 CSR 2220-2.020	State Board of Pharmacy	41 MoReg 297	41 MoReg 340	41 MoReg 803	
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20 CSR 2255-1.040	Missouri Board for Respiratory Care	41 MoReg 547	41 MoReg 627		
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20 CSR 2267-2.033	Office of Tattooing, Body Piercing, and Branding		41 MoReg 630		

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2 CSR 90-30.040	Requirement Regulations Regarding Quality o Motor Fuels	Next Issue	July 25, 2016Jan. 20, 2017
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	Sept. 1, 2016 Issue .	July 28, 2016Jan. 23, 2017
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan: Outpatient Hospital Reimbursement Methodology	This Issue	July 1, 2016Dec. 27, 2016
13 CSR 70-15.110	Federal Reimbursement Allowance	This Issue	July 1, 2016Dec. 27, 2016
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20 CSR 2120-2.100	Fees	41 MoReg 373	Feb. 12, 2016Aug. 9, 2016
Board of Therapeutic Massage			
20 CSR 2197-1.040	Fees	41 MoReg 825	June 12, 2016Feb. 23, 2017
State Board of Pharmacy			
20 CSR 2220-2.020	Pharmacy Permits	41 MoReg 297	Feb. 2, 2016July 30, 2016
Missouri Board for Respiratory Care			
20 CSR 2255-1.040	Fees	41 MoReg 547	April 11, 2016Jan. 18, 2017

Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
2016			
16-07	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated as a result of storms that began on May 25, 2016. This order shall terminate on June 26, 2016, unless extended.	May 27, 2016	41 MoReg 830
16-06	Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for two years at the pleasure of the governor. The order also includes qualifications and responsibilities for the post. Additionally the Missouri Poet Laureate Advisory Committee is hereby established.	May 27, 2016	41 MoReg 828
16-05	Directs the Department of Public Safety, with guidance from the Missouri Veteran's Commission and the Adjutant General of the State of Missouri, to coordinate events with the World War I Centennial Commission that recognize and remember efforts and sacrifices of all Americans during World War I.	May 27, 2016	41 MoReg 826
16-04	Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position.	April 11, 2016	41 MoReg 658
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153
2015			
15-11	Activates the state militia in response to severe weather that began on December 22, 2015.	Dec. 29, 2015	41 MoReg 151
15-10	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on December 22, 2015.	Dec. 27, 2015	41 MoReg 149
15-09	Directs all Missouri Executive Branch agencies, as well as strongly encourages all private employers, to review and determine how the practices contained in the Harry S Truman School of Public Affairs preliminary guidelines and, eventually the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work.	Dec. 4, 2015	41 MoReg 71
15-08	Closes state offices Nov. 27, 2015.	Nov. 6, 2015	40 MoReg 1630
15-07	Dedicates and renames the state office building located at 8800 East 63rd Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the 48th governor of the state of Missouri.	Oct. 28, 2015	40 MoReg 1628
15-06	Lays out policies and procedures to be adopted by the Executive Branch of state government in procuring goods and services to enhance economic health and prosperity of Minority and Women Business Enterprises. This order supercedes Executive Order 05-30.	Oct. 21, 2015	40 MoReg 1624
15-05	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	40 MoReg 1012
15-04	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173

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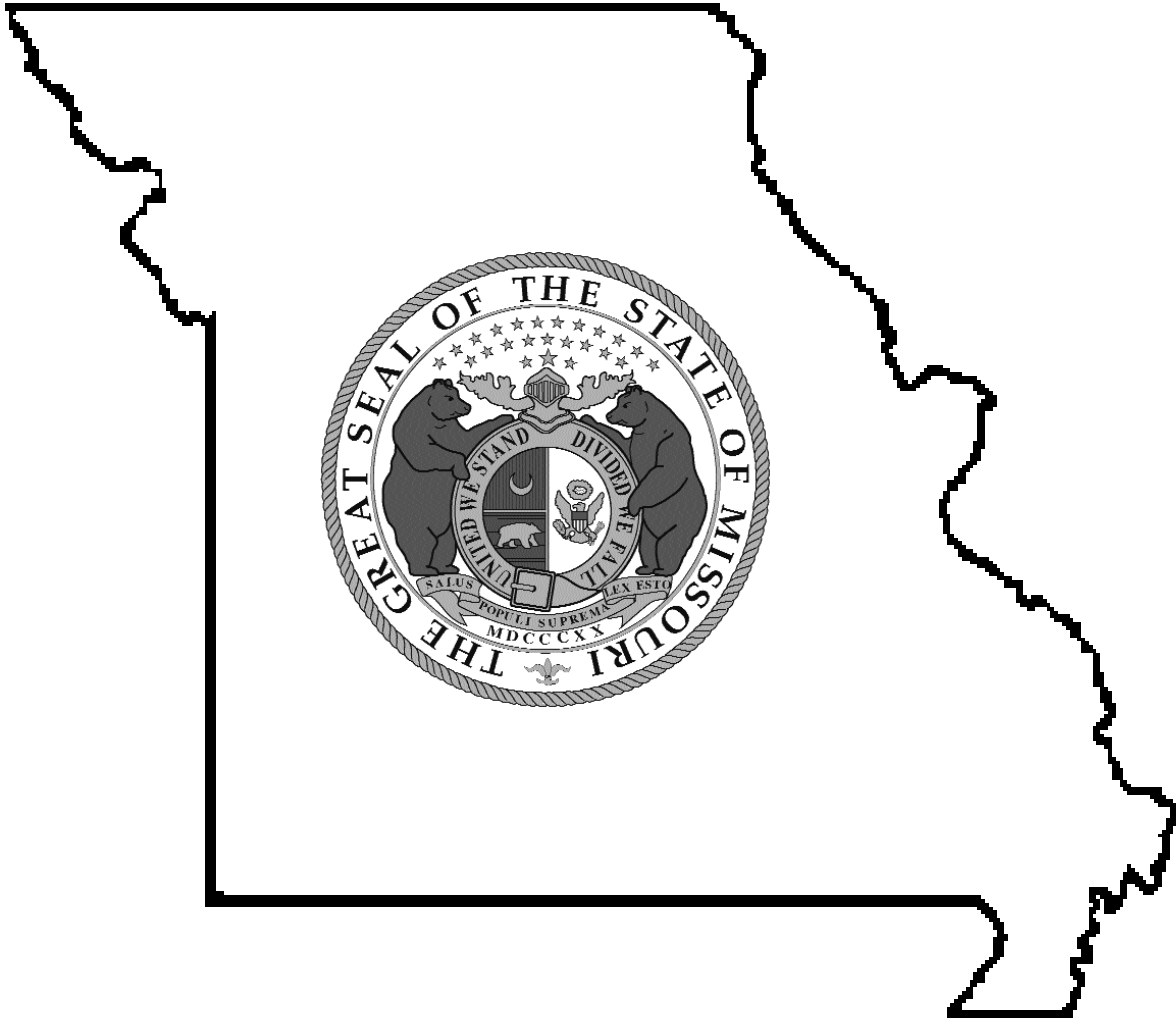
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